UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25810
20 May 1993

ORIGINAL: ENGLISH

INTERIM REPORT OF THE SECRETARY-GENERAL ON RWANDA

INTRODUCTION

1. The present report is submitted in pursuance of paragraph 3 of resolution 812 (1993), by which the Security Council invited me to examine the request by the Governments of Rwanda and Uganda for the deployment of observers at the border between these two countries.

2. It will be recalled that, in separate letters addressed to the President of the Security Council, the Governments of Rwanda (S/25355) and Uganda (S/25356) had called for the deployment of United Nations military observers along their common border.

3. Following the adoption of resolution 812 (1993), I decided to send a technical mission to Uganda and Rwanda with a view to gathering the relevant information. The mission visited Uganda from 2 to 5 April and Rwanda on 6 April 1993. The mission was led by my Military Adviser, Brigadier-General Maurice Baril.

4. During its visit to Uganda, the mission was joined by Mr. Macaire Pedanou, leader of the United Nations good-will mission which visited the region from 2 to 17 March 1993. Since then, Mr. Pedanou has been observing, on my behalf, the talks which have been taking place in Arusha (United Republic of Tanzania) between the Government of Rwanda and the Rwandese Patriotic Front (RPF). I shall submit a detailed report to the Security Council on my good-will mission after the conclusion of the Arusha peace talks.

I. THE ARUSHA PEACE TALKS

5. The talks resumed in Arusha on 16 March 1993 under the auspices of the United Republic of Tanzania, which is acting as the facilitator. The agenda for the current round of negotiations covers military issues, refugees and displaced persons, and outstanding political matters, including the amendment of the constitution, as well as the duration of the transitional period. On the military side, the negotiations focus on the composition and size of the new army, including the representation of the armed forces of the Government and those of the RPF in the new army. Other issues being addressed in the talks cover arrangements related to security services, including the gendarmerie,

demobilization and the assistance required from the international community. The two parties are also discussing the establishment of an International Neutral Force for the implementation of the proposed peace agreement.

6. I wish to inform the members of the Security Council that, on 18 May 1993, I met with the Minister of Defense of Rwanda, Dr. James Gasana, who delivered to me a message from H.E. Mr. Juvenal Habyarimana, President of Rwanda. In that message, President Habyarimana reiterated his Government's hope that the United Nations would deploy a group of military observers along the Rwanda/Uganda border. He also expressed the view that the early deployment of a United Nations-supervised International Neutral Force, in the zone separating the Rwandese armed forces from those of the RPF, would facilitate the current negotiations in Arusha and contribute to peace and national reconciliation in Rwanda.

II. REPORT OF THE TECHNICAL MISSION

7. The terms of reference of the technical mission led by General Baril were to gather and evaluate all information relevant to the possible deployment of United Nations military observers on the Rwanda/Uganda border. The mission was instructed to make recommendations, as appropriate, regarding the tasks which could be performed by such observers and to prepare a concept of operations, as well as an estimate of the logistic and administrative support requirements. In addition, the mission was asked to suggest a time-frame for the deployment of military observers, following authorization of such an operation by the Security Council.

8. During its visit to Uganda, the technical mission met with Dr. Paul Szemogere, Minister of Foreign Affairs, as well as with Mr. Anama Msazi, Minister of Defence, and Major-General Mugisha-Munti, Commander of the Armed Forces. With the cooperation of the Ugandan authorities, the mission was able to carry out aerial and ground reconnaissance of the Uganda side of the border with Rwanda.

9. The technical team then travelled to Kigali where it was received by the President of Rwanda, H.E. Mr. Juvenal Habyarimana, the Prime Minister, H.E. Mr. Dismas Nsengiyareme, and the Minister of Defence, Mr. James Gasana. Meetings were also arranged with members of the diplomatic community, as well as with the deputy commander of the Neutral Military Observer Group (NMOG) of the Organization of African Unity (OAU). In addition, the mission met with representatives of the RPF attached to the NMOG.

10. On the basis of these discussions and of a preliminary assessment of conditions on the ground, the mission has reported that it would be possible to deploy United Nations military observers to monitor the Uganda/Rwanda border and verify that no military assistance is being provided across the border between the two countries. The border extends approximately 150 kilometres by line of sight. The RPF controls about four fifths of the border and is opposed to the deployment of observers on the Rwanda side. The military observers would therefore be deployed on the Uganda side of the border, opposite the portion which is at present under the control of the RPF forces.

11. In this regard, it should be noted that, as is the case in other regions of Africa, the same ethnic groups live on both sides of the border and that movement of people across the border, as well as cross-border trade, have traditionally been frequent. Consequently, any monitoring and verification activities would not seek to restrict such movements, but would focus primarily on transit or transport of lethal weapons and ammunition across the border, as well as of any other material which could be of military use.

III. UNITED NATIONS OBSERVER MISSION

12. The tasks described above could be carried out by an observer mission to be known as the "United Nations Observer Mission Uganda-Rwanda" (UNOMUR). This observer mission would be under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. UNOMUR would be headed in the field by a Chief Military Observer (CMO) designated by the Secretary-General with the consent of the Security Council. The CMO would report to the Secretary-General. For his part, the Secretary-General would report regularly to the Security Council on the operations of UNOMUR. All matters that might affect the nature or the continued effective functioning of the observer mission would be referred to the Security Council for its decision.

13. As regards the concept of operations, UNOMUR would establish its headquarters in Kabale, a city centrally located close to the border area. It would have two sector headquarters. In order to perform its monitoring functions effectively, UNOMUR would need a combination of static observation posts and mobile patrols. It is envisaged that five static observation posts would be established at the five main road crossing sites on the border and that these would be supported by extensive vehicle and foot patrols on the Uganda side of the border, by day and at night. Helicopter patrols using sensory devices would also be required, since ground fog is prevalent in the border area and because of the presence of dense vegetation and the difficulty of the terrain.

14. It is estimated that, in order to carry out its monitoring and verification activities, UNOMUR would require 81 military observers, 17 international and seven local civilian support staff. The military observers would be provided by Member States at the request of the Secretary-General. The contributing countries would be selected after the usual consultations and with the concurrence of the Security Council, bearing in mind the accepted principle of equitable geographical representation.

15. In accordance with established practice, UNOMUR would need to have freedom of movement, communication and inspection, and to enjoy the other rights that would be necessary for the performance of its tasks. UNOMUR and its personnel would also have to be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations. In this connection, I am gratified that the Government of Uganda has assured the technical mission that it would provide the necessary facilities and that it would ensure the safety of United Nations personnel deployed in the border area, when requested. Should the Security Council decide to establish UNOMUR, it would therefore be my intention to initiate consultations with the Government of

Uganda, with a view to concluding a Status of Mission Agreement along the usual lines.

16. It will be recalled that, on 8 April 1993, I informed the Security Council that I had decided to strengthen my good-will mission by the addition of three military advisers (S/25561). On 13 April, the Security Council welcomed this decision (S/25592). One of them has joined the good-will mission in Arusha with a view to providing technical advice, as appropriate, on the military aspects of the ongoing negotiations. The two other military advisers arrived in Kampala (Uganda) on 15 April 1993 to undertake the more detailed reconnaissance work required prior to the deployment of an eventual observer mission in the border area.

17. Subject to the approval of the Security Council, I envisage that UNOMUR would be deployed progressively. An advance party of 21 military observers and some civilian support staff would be deployed within 15 days of the adoption of a Security Council resolution. The rest of the personnel would be deployed as soon as the necessary logistic support had been procured and delivered to the mission area. It is estimated that the full deployment of the mission could be completed within 45 days.

18. I shall, as soon as possible, submit as an addendum to the present report a statement of the financial and administrative implications of the operation described above.

IV. CONCLUSIONS

19. The Governments of Rwanda and Uganda have requested the deployment of United Nations military observers at their common border. The two Governments confirmed this request to the technical mission during the latter's visit to Kampala and Kigali. Moreover, in a letter addressed to the President of the Security Council on 11 May 1993, the Permanent Representative of Uganda reaffirmed that his Government was prepared to accept the stationing of a United Nations observer contingent on the Uganda side of the border. The position of the Government of Rwanda has also been reconfirmed in the letter of its President referred to in paragraph 6 above.

20. As indicated in paragraph 8 of the present report, the RPF is opposed to the deployment of observers on the Rwanda side of the border, but it does not object to the presence of United Nations military observers on the Uganda side of the border, as long as the purpose of this presence is to verify that no military assistance reaches its forces through Uganda. In addition, the RPF has expressed the view that similar monitoring activities regarding the provision of military assistance to the Government of Rwanda should also be considered.

21. On the basis of the conclusions of the technical mission, which are summarized in sections II and III of the present report, the Security Council may which to authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, for an initial period of up to six months. The duration of this observer mission would however be subject to review, following the conclusion of the Arusha talks. At that time, I shall also report to the Security Council on the outcome of the consultations which

have been undertaken with the OAU in pursuance of paragraph 2 of resolution 812 (1993).

22. However, I wish to inform the members of the Council that, in order to support the current peace-keeping efforts of the OAU in Rwanda, I have decided to put two military experts at the disposal of that Organization. The task entrusted to these experts is to provide technical assistance to the OAU in the preparation of a submission to the donor community for the funding of an expanded Neutral Military Observer Group (NMOG) in Rwanda. These two officers arrived in Addis Ababa on 13 May. They will be assisting the OAU to determine the needs and concept of operations of an expanded NMOG. They will also evaluate the necessary logistic and administrative support requirements and prepare the relevant cost estimates.

23. Meanwhile, a decision to deploy observers at the Uganda/Rwanda border could help to promote the negotiation process in Arusha and encourage the parties to actively pursue their efforts towards peace and national reconciliation in Rwanda. It would underscore the importance which the international community attaches to the maintenance of peace and security in the region and to the peaceful settlement of the conflict within Rwanda. Such a decision would also signal the willingness of the international community to assist in the implementation of the comprehensive peace agreement currently being discussed in Arusha, under the auspices of the President of the United Republic of Tanzania and with the cooperation of the Organization of African Unity.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25811
21 May 1993

ORIGINAL: ENGLISH

LETTER DATED 21 MAY 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you and through you to the members of the Security Council the "Final Report on the Demarcation of the International Boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission" dated 20 May 1993 containing the list of geographic coordinates demarcating the boundary and the map of the area, which forms an enclosure to the report. I also submit a transmittal letter of the same date from the Chairman of the Commission addressed to me.

As indicated in the above-mentioned letter, in addition to the Final Report, the Chairman of the Commission submitted to me three certified copies of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait. On 20 May 1993, I forwarded two of these certified copies to the Governments of Iraq and Kuwait respectively, in order to be lodged in their archives. I also brought to the attention of both Governments the Final Report of the Commission together with the map. The third certified copy of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait will be retained for safe-keeping in the archives of the United Nations.

As you know, the Iraq-Kuwait Boundary Demarcation Commission was established pursuant to paragraph 3 of Security Council resolution 687 (1991), which called upon the Secretary-General to lend assistance to make arrangements with Iraq and Kuwait to demarcate the international boundary between the two countries. The Commission was entrusted with the task to demarcate in geographic coordinates of latitude and longitude as well as by a physical representation the international boundary as set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" signed at Baghdad on 4 October 1963. The Commission was also asked to provide for arrangements for maintenance on a continuing basis of the physical representation of the boundary.

In accordance with its mandate and terms of reference, the Commission was called to perform a technical and not a political task and as it is stressed in the Final Report, the Commission has made every effort to strictly confine itself to this objective. In the statement of the President of the Security

Council dated 17 June 1992 (S/24113), issued on behalf of its members and in Security Council resolution 773 (1992) of 26 August 1992, related to the work of the Commission, it was pointed out that through the demarcation process the Commission was not reallocating territory between Kuwait and Iraq, but it was simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the Agreed Minutes referred to above.

As stated in the Final Report the Commission has fulfilled its mandate. It demarcated in geographic coordinates of latitude and longitude the international boundary between Iraq and Kuwait set out in the Agreed Minutes, made arrangements for the physical representation of the boundary through the emplacement of an appropriate number of boundary pillars or monuments and provided for arrangements for continuing maintenance and location accuracy of the surficial boundary representation.

The coordinates established by the Commission thus constitute the final demarcation of the international boundary between Iraq and Kuwait set out in the Agreed Minutes of 4 October 1963. In accordance with paragraphs 2 and 4 of Security Council resolution 687 (1991), both Iraq and Kuwait shall respect the inviolability of this international boundary and its inviolability will be also guaranteed by the Security Council.

Fulfilment by the Commission of its mandate to demarcate the international boundary between Iraq and Kuwait has direct implications for the implementation of paragraph 5 of Security Council resolution 687 (1991) relating to the establishment of a demilitarized zone along that boundary. In January 1993 UNIKOM completed the realignment of the demilitarized zone with the demarcated land section of the boundary and I am now instructing UNIKOM to finalize such realignment with the entire international boundary between Iraq and Kuwait demarcated by the Commission.

With regard to Section X (c) of the Final Report, concerning boundary maintenance, I will make the necessary arrangements, as recommended by the Commission, for maintenance of the physical representation of the boundary. The United Nations personnel and personnel of the survey or similar organizations that will be involved in the implementation of the arrangements for maintenance of the surficial representation of the boundary are to enjoy unimpeded freedom of movement in the area of the demarcated boundary as well as all necessary privileges and immunities for the fulfilment of their task.

As stated above, the decisions of the Commission concerning the demarcation of the international boundary between Iraq and Kuwait are final. I believe that the work performed by the Commission will have a beneficial effect on the restoration of international peace and security in the area concerned, in conformity with the purposes of Security Council resolution 687 (1991). The certainty and stability of the boundary are in the best interest of Iraq and Kuwait and I expect the Governments of both countries to respect the objective and impartial results achieved by the Iraq-Kuwait Boundary Demarcation Commission.

(Signed) Boutros BOUTROS-GHALI

Annex

Letter dated 20 May 1993 from the Chairman of the Iraq-Kuwait Boundary Demarcation Commission addressed to the Secretary-General

In accordance with paragraph 3 of Security Council resolution 687 (1991) of 3 April 1991, on behalf of the Iraq-Kuwait Boundary Demarcation Commission, I have the honour to submit herewith the report conveying the final results of its work, together with a certified copy of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait and a map at the scale of 1:250,000 depicting that demarcation. The report and the coordinates are submitted in three copies, two of which are for communication to the Governments concerned.

As indicated in the report, the Commission will communicate to you in due course authenticated copies of the large-scale maps of the boundary along with technical documentation comprised of certified records of survey stations and boundary pillars.

(Signed) Nicolas VALTICOS
Chairman

Appendix

FINAL REPORT ON THE DEMARCATION OF THE INTERNATIONAL BOUNDARY BETWEEN THE REPUBLIC OF IRAQ AND THE STATE OF KUWAIT BY THE UNITED NATIONS IRAQ-KUWAIT BOUNDARY DEMARCATION COMMISSION

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* To be issued separately as an addendum.

I. INTRODUCTION

1. The Security Council, by its resolution 687 (1991) of 3 April 1991, affirmed the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq. In that regard, the Council noted that Iraq and Kuwait, as independent sovereign States, had signed at Baghdad on 4 October 1963 the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby formally recognizing the international boundary between Iraq and Kuwait and the allocation of islands. The Agreed Minutes were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations (United Nations Treaty Series, vol. 485, No. 7063).

2. Bearing in mind its objective of restoring international peace and security in the area, the Security Council, by paragraph 2 of its resolution 687 (1991), demanded that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the aforementioned Agreed Minutes. By paragraph 4 of that resolution, the Council decided to guarantee the inviolability of the international boundary between Iraq and Kuwait.

3. Conscious of the need for demarcation of the said boundary, the Security Council, by paragraph 3 of its resolution 687 (1991), called upon the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between them, drawing on appropriate material, including the map transmitted by Security Council document S/22412.

4. In a letter dated 4 April 1991 addressed to the Secretary-General by the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait (S/22457), Kuwait expressed its intention to comply scrupulously with all the provisions of resolution 687 (1991) and to cooperate with the Secretary-General with a view to ensuring its implementation. In accordance with paragraph 33 of resolution 687 (1991), the Minister for Foreign Affairs of Iraq, in the penultimate paragraph of a letter dated 6 April 1991 (S/22456), notified the Security Council and the Secretary-General of Iraq's acceptance of the provisions of that resolution.

5. In letters dated 19 and 23 April 1991 respectively, Kuwait and Iraq agreed to cooperate with the Commission and to nominate representatives of their Governments to participate in its deliberations (see S/22558, annexes I and II).

6. After consultations with the Governments of Iraq and Kuwait, the Secretary-General, pursuant to paragraph 3 of resolution 687 (1991), on 2 May 1991 established the United Nations Iraq-Kuwait Boundary Demarcation Commission, composed of five members - three independent experts to be appointed by the Secretary-General, one of whom would

serve as Chairman, and one representative of each Iraq and Kuwait - to carry out the technical tasks necessary to demarcate the boundary between the two countries (S/22558). Iraq nominated Ambassador Riyadh Al-Qaysi and Kuwait nominated Ambassador Tarek A. Razzouki as their representatives on the Commission (see S/22620).

7. In connection with the report conveying the decisions taken by the Commission on the demarcation of the land boundary, the Security Council, by its resolution 773 (1992), expressed appreciation to the Commission for its work and welcomed those decisions. It also welcomed the Commission's decision to consider the eastern section of the boundary and urged the Commission to demarcate that part as soon as possible.

II. MANDATE AND TERMS OF REFERENCE

8. The mandate of the Commission and its terms of reference are laid down in Security Council resolution 687 (1991) and in the report of the Secretary-General on the establishment of the Commission pursuant to paragraph 3 of that resolution (S/22558).

9. The report of the Secretary-General provides that the terms of reference of the Commission are to demarcate in geographical coordinates of latitude and longitude as well as by a physical representation the international boundary between Iraq and Kuwait as set out in the Agreed Minutes. This was to be accomplished by drawing upon appropriate material, including the maps transmitted by Security Council document S/22412 (a set of 10 topographic maps at the scale of 1:50,000 by the United Kingdom Director General of Military Survey) and by utilizing appropriate technology. The physical representation will be carried out by the emplacement of an appropriate number and type of boundary pillars and arrangements made for maintenance on a continuing basis.

10. With reference to the boundary, the 1963 Agreed Minutes provide that:

> "The Republic of Iraq recognized the independence and complete sovereignty of the State of Kuwait with its boundaries as specified in the letter of the Prime Minister of Iraq dated 21.7.1932 and which was accepted by the Ruler of Kuwait in his letter dated 10.8.1932."

11. The 1932 Exchange of Letters referred to in the Agreed Minutes contains the following description of "the existing frontier between the two countries", which constitutes the delimitation formula for the demarcation of the Iraq-Kuwait boundary by the Commission:

> "From the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin to a point just south of the latitude of Safwan; thence eastwards passing south of Safwan Wells, Jebel Sanam and Um Qasr leaving them to 'Iraq and so on to the junction of the Khor Zobeir with the

Khor Abdullah. The islands of Warbah, Bubiyan, Maskan (or Mashjan), Failakah, Auhah, Kubbar, Qaru and Umm-el-Maradim appertain to Koweit."

12. The report of the Secretary-General states that the Commission will take its decisions by majority and that its decisions regarding demarcation will be final. It further states that the coordinates established by the Commission will constitute the final demarcation of the international boundary. They will be lodged in the archives of the Governments of Iraq and Kuwait and a certified copy will be submitted to the Secretary-General for transmittal to the Security Council and for safe-keeping in the archives of the United Nations.

13. The Security Council took note of the Secretary-General's report and its provisions for the establishment and terms of reference of the Commission and expressed support for all his efforts in respect of the demarcation of the boundary (S/22593).

III. COMPOSITION AND RULES OF PROCEDURE

14. Pursuant to paragraph 3 of resolution 687 (1991), the Secretary-General appointed Mr. Mochtar Kusuma-Atmadja, former Minister for Foreign Affairs of Indonesia as Chairman; Mr. Ian Brook, then Technical Director, Swedsurvey, National Land Survey of Sweden; and Mr. William Robertson, Surveyor General/Director General of the Department of Survey and Land Information of New Zealand, as independent experts. Iraq is represented by Ambassador Riyadh Al-Qaysi and Kuwait is represented by Ambassador Tarek A. Razzouki (see S/22620). The views of the parties on the constitution of the Commission and the Secretary-General's response thereto are contained in annexes I, II and III to the report of the Secretary-General (see S/22558). Mr. Miklos Pinther, Chief Cartographer of the United Nations Secretariat, was appointed Secretary to the Commission.

15. With effect from 20 November 1992, Mr. Kusuma-Atmadja resigned as Chairman of the Commission for personal reasons. Consequent upon the resignation of Mr. Kusuma-Atmadja, the Secretary-General appointed as his successor Mr. Nicolas Valticos, former Assistant Director-General of the International Labour Office, and member of the Institute of International Law, who assumed his functions on the same date.

16. The Commission established its own rules of procedure (IKBDC/Doc.2). Rule 1 covered the composition of the Commission. Rule 2 provided that the relevant provisions of the report of the Secretary-General (S/22558) would constitute the terms of reference of the Commission. According to these rules, the decisions of the Commission regarding the demarcation of the boundary are final. The rules of procedure further stipulated that the quorum would be met by the presence of at least three members, including the Chairman and at least one representative (rule 3), and that decisions would be taken by majority (rule 5). The Commission carried out its work in closed meetings (rule 4), by

visits to the border area and through field work. The Secretary of the Commission was entrusted with making all arrangements connected with the work of the Commission (rule 8).

17. In his report of 2 May 1991, the Secretary-General proposed that all costs should be shared between the interested parties. The Commission prepared and approved a cost estimate for the totality of its work, which was submitted to the Secretary-General.

IV. MEETINGS AND FIELD SESSIONS

18. The Commission held 11 sessions encompassing 82 meetings; these meetings were held either at the United Nations Office at Geneva or at United Nations Headquarters in New York. The Commission was provided with, and approved, minutes of all its meetings and it approved and issued press releases at the conclusion of each session.

19. The Commission conducted an initial inspection tour of the border area between 15 and 19 June 1991, at which time the two independent experts and the Secretary also visited the national survey offices of Kuwait and Iraq. Following a decision by the Commission to undertake new surveying and mapping of the border area, a survey team was formed from the staff of the national survey departments of New Zealand and Sweden. To execute its task, the survey team undertook four sessions of field work, which also included the final emplacement of the boundary pillars, during the autumn of 1991, the spring and autumn of 1992 and the spring of 1993. At the end of each field session, the two independent experts inspected and verified the work of the survey team. The Secretary made eight visits to the border area to participate in site inspections, to make arrangements for the field work and to establish a field office for the Commission. At the conclusion of each major phase of its work, the Commission prepared and submitted a report to the Secretary-General.

V. PARTICIPATION

20. From the beginning of its work, the Commission requested the representatives of Iraq and Kuwait to submit all relevant documents and other materials for its consideration. This was a regular feature of the subsequent work of the Commission, and full opportunity was provided to both parties to submit all relevant materials and express their positions and views throughout the work of the Commission.

21. At the first five sessions, held between 23 May 1991 and 16 April 1992, at which the Commission adopted its rules of procedure, considered the Khowr Abd Allah section and considered and took decisions on the land boundary, all members participated. The representative of Iraq did not attend the subsequent sessions, held between 15 July 1992

and 20 May 1993. However, copies of all documents and of the authenticated minutes were transmitted to the representative of Iraq.

VI. ORGANIZATION OF WORK

22. At its first session, held in New York on 23 and 24 May 1991, the Commission discussed the organization of its work and requested the secretariat to prepare rules of procedure, which the Commission adopted at its second session. It held an exchange of views relating to the schedule of work, the nature of the task, what constituted appropriate material, on-site visits and the possibility of participation by experts from both countries.

23. It was affirmed by the Commission at its first session that its work was technical, not political, and that the nature of its task was demarcation. This was later noted by the Security Council in its resolution 773 (1992) of 26 August 1992, which recalled that "through the demarcation process the Commission is not reallocating territory between Kuwait and Iraq, but it is simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the [1963] Agreed Minutes ...".

24. The Commission asked the independent experts to prepare a plan of action for the demarcation. Subsequently, the independent experts presented a discussion paper, the two parts of which dealt with boundary definition issues and with the technical aspects of surveying, mapping and physical representation.

25. Following a discussion on definition issues, the Commission decided to examine the boundary in three sections. The first was labelled the western section, and corresponded to the initial phrase of the delimitation formula, "from the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin to a point just south of the latitude of Safwan;". The second was labelled the northern section, corresponding to the phrase "thence eastwards passing south of Safwan Wells, Jebel Sanam and Um Qasr leaving them to Iraq and so on to the junction of the Khor Zobeir with the Khor Abdullah". The third section was called the eastern section, later termed the offshore section and finally called the Khowr Abd Allah section. This part corresponds to reference to the junction, together with the final sentence of the delimitation formula: "the islands of Warbah, Bubiyan, Maskan (or Mashjan), Failakah, Auhah, Kubbar, Qaru and Umm-el-Maradim appertain to Koweit".

26. The Commission adopted a modus operandi whereby, for each of the above sections, it deliberated on the interpretation of the applicable parts of the delimitation formula, took account of the 1940 and 1951 clarifications (see para. 36 below) and other relevant evidence, discussed the relevant demarcation issues, heard statements of position, took decisions where necessary and instructed its survey team to carry out the requisite technical tasks in the field.

VII. PRELIMINARY CONSIDERATIONS

A. Historical background and boundary definition

27. In its work, the Commission considered the various delimitation agreements dealing with the boundary between 1913 and 1963 as they related to the international boundary in the 1963 Agreed Minutes.

28. The Anglo-Ottoman Convention of 1913 defined a Green Line running from the coast at the mouth of the Khowr Zhobeir in a north-westerly direction, passing immediately south of Umm Qasr (the old fort), Safwan and Jebel Sanam to the Batin, and then south-west down the Batin. It also showed a Red Line down the Khowr Abd Allah. Both lines depicted the limits of Kuwaiti authority.

29. In September 1920, the Ruler of Kuwait claimed the northern territories allocated to him under the Convention. In the following year, he was told by the British High Commissioner for Iraq, Sir Percy Cox, that the territory allocated to him by the Red Line was beyond dispute.

30. In December 1922, Cox suggested that the Green Line be confirmed as the boundary. This was done in 1923 in an exchange of letters between the Ruler of Kuwait, the British Political Agent in Kuwait and the British High Commissioner for Iraq on a description of the territory deemed identical with the Green Line.

31. In 1923 the British Political Agent in Kuwait, More, erected a noticeboard marked "Iraq-Kuwait boundary" south of Safwan. A decade later, the noticeboard was considered to be the only accurate indication of where the boundary ran in the region. In the summer of 1932 it was removed, and subsequently replaced, by the Iraqi authorities.

32. In July 1932, it being considered desirable to reaffirm the existing frontier between Iraq and Kuwait before Iraq's admission to the League of Nations, the Prime Minister of Iraq wrote a letter on 21 July 1932, and the Ruler of Kuwait responded on 10 August 1932. This Exchange of Letters reaffirming the boundary was reconfirmed by the 1963 Agreed Minutes.

33. In August 1935, Dickson, then British Political Agent in Kuwait, giving advice on the depiction of the boundary on a new map, said that those in Kuwait had always understood the northern boundary to run in a due east-west straight line from the Batin centre line to the noticeboard, and thence, also in a straight line, to the junction of the Khowr Zhobeir and the Khowr Abd Allah. The following year the map, containing several errors, of which the underestimated distance between Umm Qasr and the junction of the Khowrs was probably the most important, was published. It was the basis for much of the consideration of the boundary by the British and Iraqis up to 1963.

34. In April 1937, Edmonds, British Adviser to the Iraqi Minister of the Interior, advised his Minister, and the British authorities, that the boundary should follow the thalweg of the Batin, thence run due east to a point one mile south of Safwan palms and onwards, in a straight line, to the junction of the thalwegs of the Khowr Zhobeir and the Khowr Abd Allah. From the junction of the Khowrs, the boundary followed the thalweg of the Khowr Abd Allah to the open sea.

35. In March 1939, the noticeboard was removed; on 9 June 1940 the British Political Agent in Kuwait, Galloway, assisted by a Kuwaiti expert, replaced it; on 25 June the Iraqi Foreign Ministry protested that the noticeboard had been placed 1,000 metres south of the Iraqi customs post, 250 metres north of the Iraqi boundary.

36. Dickson's and Edmonds' descriptions of the boundary formed the basis of two communications, dated 7 October 1940 and 18 December 1951, from the British Ambassador in Baghdad addressed to the Iraqi Foreign Ministry and Foreign Minister respectively, clarifying the 1932 Exchange of Letters. Those, which specify the low-water line on the southern shore of the Khowr Zhobeir as the boundary in that Khowr, differ only in describing the site of the old noticeboard (in the first) and a point 1,000 metres south of the old Iraqi customs post (in the second) as the point south of Safwan.

37. In March 1942, surveyors from the Indian Army reported that they had erected two concrete pillars: one in Safwan Village amid palm trees and the second pillar half a mile south from the first. Coordinates were determined by astronomical observations for the two pillars and for a point on the north-west corner of the wall of the customs post. The first pillar was not specifically stated to be located at the southernmost palm as was reported in the telegram from Hickinbotham, Political Agent in Kuwait, on 19 March 1942.

38. In 1951 the Iraqi Government indicated that it could accept the 1951 delimitation under the condition that Kuwait would agree to cede the island of Warbah. This proposal was unacceptable to Kuwait and was withdrawn by the Iraqi Government in 1953.

39. In May 1955, the Iraqi Prime Minister proposed that the boundary depicted in a sketch map which he gave to the Ambassador be advanced 4 kilometres southwards between Safwan and the entrance of the Khowr Abd Allah. A draft agreement, indicating that the boundary depicted on the 1936 map was that agreed in 1932, was then negotiated between the British authorities and Iraqi Foreign Minister. The Iraqi Prime Minister thereafter pressed the Kuwaitis to agree to its conclusion, but they declined.

40. In 1959, Coucheron-Aamot, a Norwegian hydrographer, produced a report and a chart, officially authenticated by the Iraqi Ministry of Petroleum, which defined a median line as the boundary in the Khowr Abd Allah. This official chart, taken from an annex to the Coucheron-Aamot report, was transmitted to the Danish Embassy in Baghdad by the Iraqi Foreign Minister on 22 August 1960 and subsequently published in the Pleadings of

the International Court of Justice (see I.C.J. Pleadings, 1968, vol. I, North Sea Continental Shelf Cases, figure D).

B. General discussion

41. The Commission held a general discussion on the three sections of the boundary as a whole on the basis of the discussion paper presented by the independent experts.

42. Considerable time was devoted to the investigation and discussion of the definition of the point south of Safwan, the general course of the boundary in the Batin, the position of the boundary south of Umm Qasr and the possible position of the boundary at the junction of Khowr Zhobeir and Khowr Abd Allah in the epoch of 1932. The principles to be applied in the demarcation of the boundary beyond the junction of the Khowrs were also considered at length. The language of the delimitation formula was debated extensively. Of particular concern were whether it was technically possible to demarcate the boundary without a turning-point at Safwan, whether the thalweg or the median line concept should be applied in the northern part of the Batin to divide the grazing areas equitably and whether there had been a shift in the junction of the Khowrs over the past decades. With regard to the Khowr Abd Allah section, the principle of the median line, tempered by equity, was considered.

43. The general deliberations were followed by discussions on the various sections of the boundary, which were continued as the work of the Commission progressed. Each question and each section of the boundary received careful consideration from the legal, historical, technical and practical points of view. The deliberations, statements of position and the work of the Commission are given in considerable detail in its reports to the Secretary-General (IKBDC/Rep.2, Rep.6 and Rep.7).

VIII. MAPPING

A. Necessity for new mapping

44. In the technical sections of the discussion paper, the independent experts proposed methods for new mapping of the border area to provide a proper basis for demarcation. The maps and the related spatial data were, in the opinion of the experts, a necessary supplement to the existing maps and documents and would be required before demarcation on the ground could be carried out, as there were no adequate maps of the boundary area for the purpose of demarcation.

45. It was pointed out that the boundaries shown on the maps transmitted by Security Council document S/22412 could be considered reliable. Those maps, as well as all other recent maps of the area, indicated the general configuration of the boundary and the

existence of a turning-point south of Safwan. But, in depicting the boundary, they were not supported by any detailed rationale. The comparison of older maps with the 1991 revised edition of British Admiralty Chart No. 1235 and the Commission's new orthophoto mapping revealed significant discrepancies in absolute positions on the older maps, in particular for the junction of the Khowrs.

46. To assist the Commission in its deliberations and to enable it to achieve a precise demarcation, the independent experts therefore proposed a new survey and mapping of the entire border area. The proposal included the establishment of a geodetic control network and ground control points for mapping, using satellite-based (Global Positioning System (GPS) and Doppler) methods, combined with conventional survey techniques, aerial photography and the production of a set of large-scale orthophoto maps at the scale of 1:25,000. Included also were special maps to enable the Commission to study specific areas such as the Batin and the border areas at Safwan and Umm Qasr.

B. Field work preparation

47. The field work of the Commission was undertaken in three stages during four field sessions by a survey team composed of geodesists, surveyors and photogrammetrists from the national survey departments of New Zealand and Sweden. During the first stage, the Commission established its own geodetic datum called "IKBD-92", based on World Geodetic System (WGS 84 ellipsoid), and established geodetic network control. Aerial photography and preliminary mapping were carried out. During the second stage the decisions of the Commission were implemented through the emplacement of preliminary boundary markers and final boundary pillars. The third stage involved the demarcation of the Khowr Abd Allah section of the boundary as well as additional work on the land boundary sections.

48. In all stages of the field work, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) provided essential support on an at-cost basis. Assistance was extended to the surveyors for the preparation of photo control points and for the establishment of the preliminary positions for the boundary pillars. In this regard, UNIKOM also cleared work areas of unexploded ordnance. UNIKOM facilitated transportation and provided procurement, logistic and operational support for the emplacement of pillars.

1. Control surveys

49. Four datum stations, 25 primary control stations and 137 photo control points were established between September and December 1991. The positions were determined by GPS and Doppler observations. The first function of this work was to facilitate the production of the orthophoto maps and accurate transverse height profiles of the Batin to assist the Commission in its deliberations. The second function was to leave a primary

control network in place that could be used to set out the boundary pillars once the final location of the boundary had been determined by the Commission. To provide tidal data, the Commission installed two tide gauges at Umm Qasr.

2. Aerial photography

50. The main aerial photography programme was carried out during the first field session by an air photo team and a specially outfitted aircraft from the National Land Survey of Sweden. Photographs at various scales were produced to facilitate the production of orthophoto maps for the entire length of the land boundary, for the preparation of transverse height profiles of the Batin and for large-scale orthophoto maps of the Safwan and Umm Qasr areas (see IKBDC/Rep.6).

51. Additional aerial photographs were taken in February 1993. The purpose of these photographs was to provide false-colour infrared imagery for the determination of the boundary along the low-water-springs line in the Khowr Zhobeir, to evaluate the quality of the 1991 edition of British Admiralty Chart No. 1235 and to assist with the definition of the median line in the Khowr Abd Allah. Additional photographs were also taken for the production of a series of maps at a scale of 1:2,500 of the Rumailah/Ratqa boundary area and the settled areas along the boundary at Safwan and at Umm Qasr. The purpose of these maps was to provide additional detail on the location of the boundary and to assist in resolving any boundary-related issues.

C. Mapping of the border area

52. Initially, a series of 31 orthophoto maps (in English and Arabic) was produced at a scale of 1:25,000. In addition, separate orthophoto maps were produced at the scale of 1:7,500 for the Safwan and Umm Qasr areas.

53. For the Batin, 1,420 transverse photogrammetric height profiles were produced. From these the lowest-point line in the Wadi was determined by examining the elevation contours, by measuring along the profiles and by generating three-dimensional digital terrain models.

54. At a later stage, the aerial photography was extended eastwards to the outer reaches of the Khowr Abd Allah, from which additional orthophoto maps were produced at the scale of 1:25,000. In order to reduce the final number of map sheets and to provide better coverage of the boundary, the size of the sheets was changed. The boundary from the trijunction to the eastern end of the Khowr Abd Allah is thus covered by 18 map sheets.

D. Charting of the Khowr Zhobeir, the Khowr Shetana and the Khowr Abd Allah

55. At the sixth session, the Commission requested the independent experts to investigate further the Khowr Zhobeir and the Khowr Abd Allah and present appropriate material for consideration. Assisted by hydrographers from the Swedish National Maritime Administration and the Royal New Zealand Navy, the independent experts undertook two separate studies of the earliest detailed hydrographic surveys available for the Khowrs.

56. Following an analysis of the charts, both manual and computer interpretations were made to produce maps for the Commission's consideration at the scale of 1:50,000 and 1:100,000 showing the thalweg line and the median line in the Khowr Abd Allah. Bathymetric contour maps and transverse profiles on the same scale were also prepared. In addition, baseline coordinates were identified and listed for the plotting of a median line.

57. During the third field session, two tide gauges were installed at Umm Qasr to assist with the determination of the low-water line in the Khowr Zhobeir, from its intersection with the land boundary to a point opposite the junction of the Khowr Zhobeir and the Khowr Abd Allah.

IX. DECISIONS ON DEMARCATION

58. At an early stage in its work the Commission reached several decisions which provided the broad parameters for demarcation. These decisions also authorized the new surveying and mapping and the gathering of additional material, which subsequently enabled the Commission to reach conclusions regarding the demarcation of the frontier between Iraq and Kuwait. The Commission reached its decisions after gathering and carefully considering all available material, including the historical record, maps and aerial photography, after surveying and mapping and after conducting the necessary inspections in the field. Each section of the boundary received thorough scrutiny. Final decisions were reached only after extensive deliberations and after the Commission was satisfied that all the evidence had been properly weighed.

A. Western section

59. The western section of the boundary is that part of the existing frontier which leads from the intersection of Wadi El Audja and Wadi Al Batin northwards along the Batin to a point just south of the latitude of Safwan.

60. The basis for the demarcation of this section was the wording of the delimitation formula in the 1932 Exchange of Letters.

"From the intersection of the Wadi-el-Audja with the Batin and thence northwards along the Batin ...".

61. In October 1940 the British Ambassador in Baghdad presented the Iraqi Foreign Minister with a proposal for the demarcation of the boundary as accepted by Kuwait, which clarified the above wording as follows:

"Along the Batin the frontier shall follow the thalweg, i.e. the line of the deepest depression ...".

62. This was repeated word for word in a note verbale of December 1951 in which reference is made to contacts between the Foreign Minister of Iraq and the British Ambassador regarding the reopening of the boundary issue. In 1940, Iraq requested a delay until its border with Saudi Arabia had been fixed and, in 1952, it announced that it wanted the issue of the cession of Warbah Island settled before proceeding with demarcation.

63. The Commission decided to demarcate the boundary along the Wadi Al Batin in terms of the line of the lowest points (the thalweg). It also took a decision that the boundary would be marked by a series of straight lines, approximately 2 kilometres in length, such that the areal extent by which the thalweg departs from the boundary on the Kuwait side was equally balanced by the departure on the Iraq side.

64. For this exercise, the Commission undertook large-scale orthophoto mapping of the Batin based on specially flown aerial photography. Terrain models and transverse height profiles were generated to permit computer simulation of the lines of lowest points along the Batin.

65. The Commission decided that the point of intersection of the Wadi El Audja with the Wadi Al Batin was to be determined as pillar No. 1 of the Iraq-Saudi Arabia boundary and it then became boundary pillar No. 1 for the western boundary section.

66. The Commission further took a decision that the northern end of the boundary in the Batin be located at the intersection of the thalweg of the Wadi and the latitude of the point south of Safwan.

67. The line the Commission decided upon to demarcate the western section compares well with the general location of the boundary line as drawn by cartographers on earlier maps, including the map transmitted by Security Council document S/22412, and is very similar to the line depicted on other recent maps.

B. Northern section

68. The northern section is that part of the boundary which, from the intersection of the thalweg of the Wadi Al Batin with the parallel of latitude that runs through the point just south of Safwan, eastwards along that parallel south of Jebel Sanam to the point just south of Safwan and thereafter along the shortest (geodesic) line to the port town of Umm Qasr, and from there to the junction of the Khowr Zhobeir with the Khowr Abd Allah.

1. From the Wadi Al Batin to the point south of Safwan

69. In the 1932 Exchange of Letters the boundary between the northern end of the Batin and Safwan is described as running from a point in the Batin to:

> "... a point just south of the latitude of Safwan; thence eastwards passing south of Safwan Wells, Jebel Sanam ...".

70. All descriptions and representations of the boundary on maps after 1935 have depicted the boundary in this section as following a parallel of latitude to a point south of Safwan. For some 16 years, this point was marked by a noticeboard, the position of which also determined the latitude of the line between the western boundary in the Batin and Safwan. This is a point which is fundamental to the definition of the northern boundary and which has never been accurately depicted on any map prior to the maps produced for the Commission.

71. From 1923 to 1939 a noticeboard, which marked the boundary between Iraq and Kuwait, stood at a point on the old road just south of Safwan. This noticeboard was erected at the time of the 1923 agreement which was reiterated in the 1932 Exchange of Letters. Its position was known to both countries at the time of the 1932 Exchange of Letters and was recognized by both over the subsequent seven years as the international boundary. The position of the noticeboard appears not to have been measured. However, Dickson, who was present at Oqair at the time of the 1923 agreement and was the British Political Agent in Kuwait between 1929 and 1936, stated in 1935 that:

> "We have always understood the northern boundary of the frontier to run in a due east and west line from the Batin (centre line) to a point one mile south of Safwan Wells, where a large noticeboard exists on the side of the road which today marks the boundary".

72. Attempts to locate the former position of the noticeboard, after its removal in 1939, resulted in several differing estimations of the distance from reference points in and around Safwan, including the old customs post, the wells and the southernmost date palm. When related to each other there was a degree of congruence around the distance of one mile (1,609 metres) from the customs post. However, the re-establishment of the noticeboard

in 1940 resulted in an Iraqi protest note which stated that its re-established position was 250 metres north of the boundary at a distance of 1,000 metres from the customs post.

73. The Commission considered that the two most probable positions for the noticeboard were nearly 1,609 metres (1 mile) and 1,250 metres south of the south-west extremity of the customs post. In the absence of other reliable evidence, the Commission gave equal weight to both measurements and decided on the mean distance of 1,430 metres from the south-west extremity of the old customs post along the old road as the most probable location of the noticeboard. The location of the point thus determined by the Commission is 180 metres farther south than the distance specified in the 1940 Iraqi protest note and 430 metres south of the claim made then and later for Kuwait (see map).

74. The general location of the customs post was established, on site, using GPS equipment and coordinates determined in 1942 from astronomical observations. Image interpretation using several aerial photographs, dating from 1945 to the present day, enabled the Commission to determine the south-west extremity of the old customs post with good accuracy as well as the alignment of the old road south of Safwan beside which the noticeboard had been located.

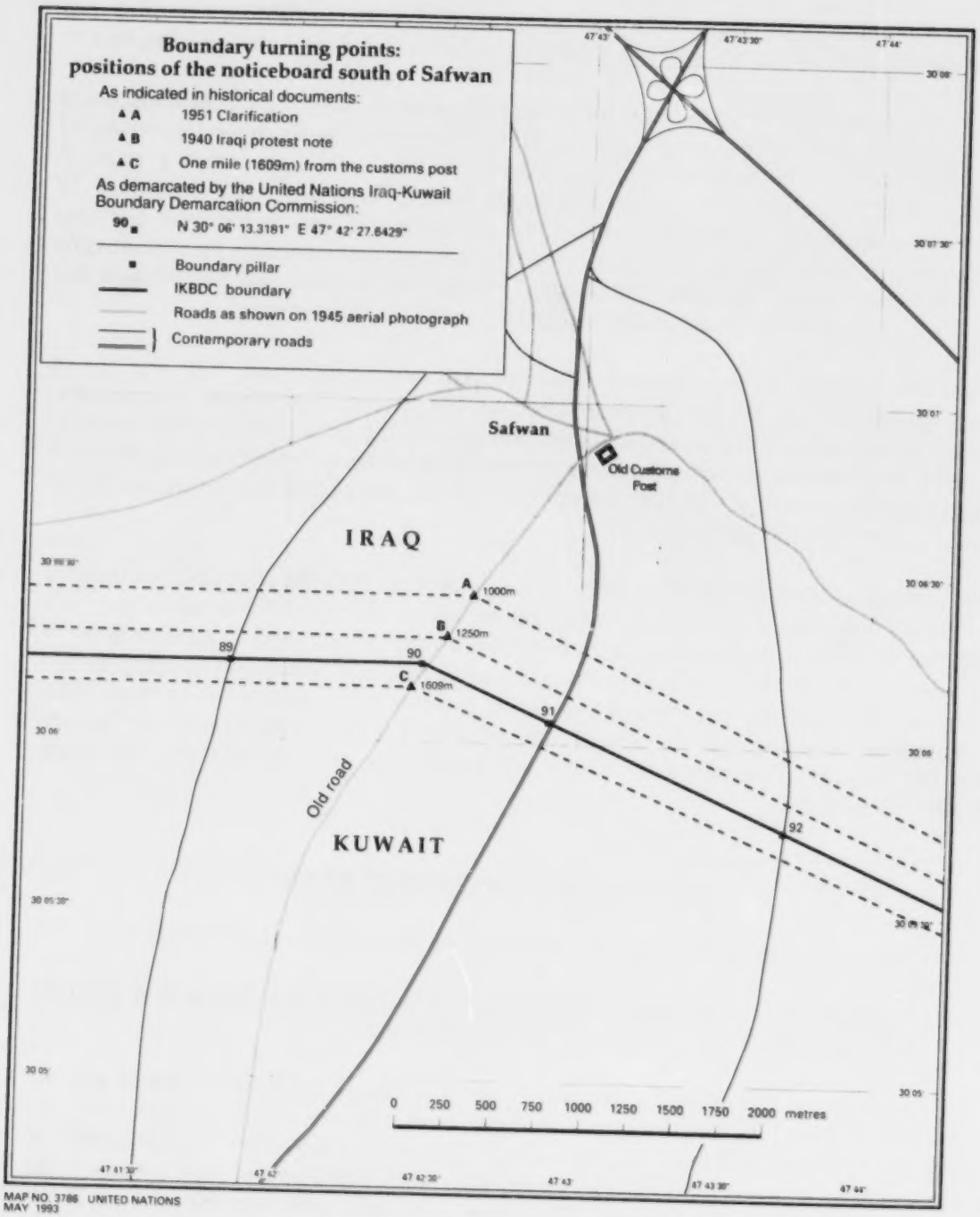
75. The parallel of 30° 06′ 13.3181″, running westward from the re-established position of the old noticeboard, defines the line of this boundary. At the northern end of the Batin the line of deepest depression is less well-defined than farther south. To determine its position on the ground, the Commission used a combination of orthophoto mapping, height measurements and interpretation of vegetation patterns in the bottom of the Batin. The Commission decided that the intersection of this line with the parallel of latitude 30° 06′ 13.3181″ determined the end of the boundary in the Batin and the start of the northern boundary.

2. Safwan to the intersection of the Khowrs

76. This section of the boundary is covered in the 1932 Exchange of Letters by:

> "... south of Safwan Wells ... and Umm Qasr leaving them to Iraq and so on to the junction of the Khor Zobeir with the Khor Abdullah".

77. In order to determine the location of the junction of the Khowr Zhobeir and the Khowr Abd Allah, the Commission first identified the thalweg of the channels using the most reliable chart produced as close to the year 1932 as possible. A comparison of various charts, maps and aerial photographs after 1945 indicated that little accretion had occurred during the past 60 years. The Commission considered that the position of the thalwegs of the channels would most likely have remained the same had dredging not occurred. Having identified the thalwegs, the Commission determined the location of the junction of the Khowrs.



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78. Guided by the 1940 and 1951 clarifications of the delimitation formula in drawing a straight line on the new orthophoto maps from the point south of Safwan passing south of Umm Qasr to the junction of the Khowrs, the Commission found that such a line would have sliced into the northern shore of the Khowr Zhobeir, thereby closing off the mouth of the Khowr.

79. A careful analysis of the various charts and maps and comparison with the Commission's new orthophoto maps, revealed that the charts contained distortions of the outline and errors in the absolute positions of the Khowrs and that on the 1936 British map the junction of the Khowrs was plotted some 1,000 metres to the south of its correct position. The reason for this was judged to be a misfit between the newer plane-table mapping of the land areas west of the Khowr Zhobeir and the triangulation surveys east of the Khowr, which dated back to 1917.

80. The 1936 map was used as a basis for graphic descriptions of the boundary for many of the deliberations on the subject over the next decades. As a result, the point where the line between the junction of the Khowrs and Safwan is shown as crossing the shoreline of the Khowr Zhobeir at a point which lies some 800 metres to the south of the point that is obtained when the straight line from the point south of Safwan to the junction is plotted on the Commission's orthophoto maps.

81. The Commission decided that the demarcation of the intersection of the boundary with the shoreline at Umm Qasr should be in terms of the position of the Khowrs as shown on the 1936 map as it was considered that that was the position of the boundary as envisaged and intended from that time. This is also the position shown on the British 1:50,000-scale map transmitted by Security Council document S/22412. This position has now been demarcated as the boundary at Umm Qasr by the Commission, leaving the Umm Qasr port complex and Umm Qasr village within Iraqi territory.

82. The Commission decided that the position of the junction of the Khowrs should be the position as close as possible to that of epoch 1932. Its position was determined following studies of charts produced between 1907 and 1991, aerial photographs covering a period of some 40 years from 1951 and topographic maps. Although absolute positions varied, there was acceptably good agreement between the shore outlines on the maps and the details on the photographs, which led the Commission to rule out any significant effects of erosion or accretion around the junction of the Khowrs during the period covered by the materials studied.

83. Six identifiable junction points were plotted on the 1:25,000 scale orthophoto map from charts produced in 1907, 1932, 1939, 1948, 1971 and 1991. The best available chart produced closest in time to epoch 1932 was the chart produced by the Basra Port Directorate in 1939. With the exception of the point derived from the 1932 chart and from the 1991 British Admiralty Chart, these points fall within a relatively small circle.

84. The Commission decided also to take into consideration the 1932 chart, despite its lower quality, in fixing the junction point, as it was produced at the time closest to epoch 1932. The final position was a weighted mean position. This has been considered as the most likely location of the position referred to in the British proposal of October 1940 and the December 1951 note verbale.

85. The boundary from the point south of Umm Qasr on the shoreline to the junction of the Khowrs has been depicted on maps in various positions in the Khowr Zhobeir. Specific descriptions are given in the October 1940 and December 1951 clarifications.

86. The Commission decided that the boundary line from the point south of Umm Qasr on the shore should be fixed and should follow the low-water-springs line up to the point directly opposite and nearest to the junction of the Khowr Zhobeir and the Khowr Abd Allah. The Commission further decided to plot the low-water-springs line from the false-colour infrared photographs.

87. The Commission further decided that the boundary from the above point, opposite and nearest to the junction of the Khowrs, to that junction, should be the shortest possible line (see map).

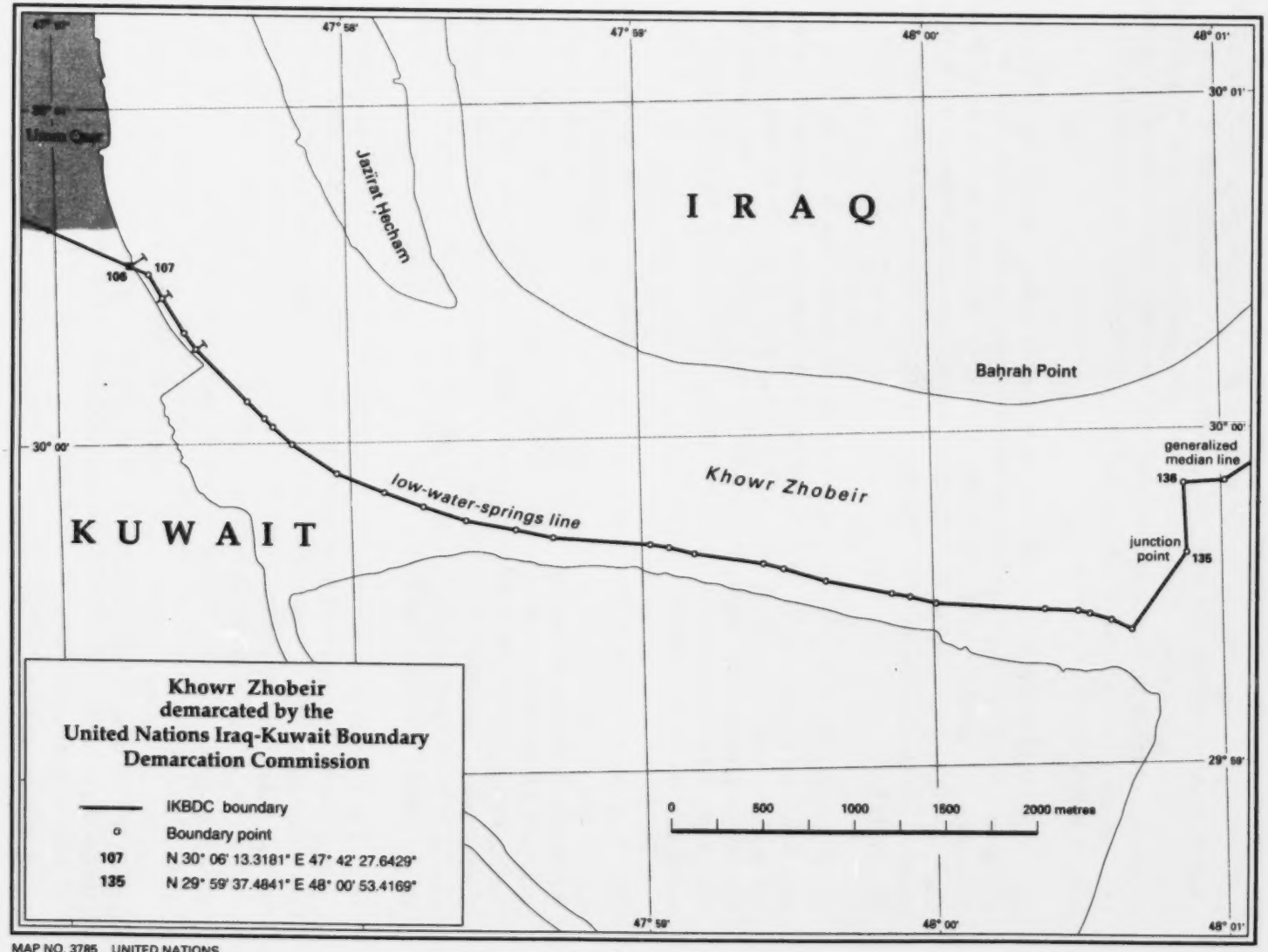
C. Khowr Abd Allah section

1. Boundary line

88. By the Khowr Abd Allah section, the Commission refers to the maritime, or offshore, boundary from the junction of the Khowr Zhobeir and the Khowr Abd Allah to the eastern end of the Khowr Abd Allah. The Commission felt that the closing statement of the delimitation formula, mentioning the islands of Warbah, Bubiyan, etc. as appertaining to Kuwait, gave an indication that the existing frontier in that section lay in the Khowr Abd Allah.

89. The Commission gave careful consideration to this section of the boundary. Having closely examined the language of the delimitation formula and the historical evidence on this part of the frontier, including earlier proposals for its demarcation, and having taken into account the legal aspects of the matter, the Commission agreed that it had a sufficient basis to proceed with the demarcation of the Khowr Abd Allah section. The Commission noted, moreover, that all the historical evidence pointed to the existence of a general agreement between the two countries on a boundary in the Khowr Abd Allah.

90. The Commission concluded that the existing boundary to be demarcated was the median line, it being understood that navigational access should be possible for both States to the various parts of their respective territory bordering the demarcated boundary.



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91. The Commission examined charts that might be used for the selection of base points. To verify the low-water line on the 1991 edition of British Admiralty Chart No. 1235, which had been identified as a chart that could be used for the definition of the median line, infrared false-colour aerial photography was flown at low-water springs. A comparison of the aerial photography with the chart revealed a good degree of agreement. The Commission noted in this connection that an earlier version of that chart had been used by Coucheron-Aamot.

92. After careful comparison between the low-water-springs line on the 1993 aerial photograph, and a preliminary photogrammetric plot based on these photographs, with the 1991 edition of British Admiralty Chart No. 1235, the Commission decided to adopt this chart for defining the median line. Positions on the chart are referred to the WGS 84 datum. For all practical purposes this datum is identical to the Iraq-Kuwait Boundary Datum (IKBD).

93. Established hydrographic techniques were used to identify base points and these were then submitted to Iraq and Kuwait for approval or the provision of alternatives. Kuwait accepted the base points on its side. No response was received from Iraq either to a request to provide base points or to confirm those suggested by the Commission. Therefore, the Commission proceeded with the demarcation using the base points it had established on the Iraqi side.

94. In considering the terminus point on the median line at the entrance to the Khowr Abd Allah, the Commission sought, in a careful review, to establish the extent of the internationally agreed boundary under the 1963 Agreed Minutes. It therefore examined various representations of the boundary on earlier maps and charts and studied various methods of establishing the end of the agreed boundary to the open sea. It concluded that the entrance to the Khowr Abd Allah from the open sea lay where there was a significant change in the direction of the coastlines of the two States. It determined a precise point on the median line at the entrance.

95. The Commission determined that the boundary connection from the generalized median line to the junction of the Khowrs was the shortest line between them. From that point the median line adopted by the Commission is defined by a set of coordinates which are calculated from the baseline points established on opposite low-water lines as depicted on the 1991 edition of British Admiralty Chart No. 1235. At the eastern end of Warbah, a drying shoal, called the Warbah Spit, that could be subject to major change over the years, had been charted on the British Admiralty chart. Here two median lines were calculated, one taking the shoal into account and the other ignoring it. Equal weight was given to both lines and an average line was calculated between the two medians to decide the demarcation line. The 1959 median line calculated by Coucheron-Aamot at the request of Iraq approximates closely to the demarcation line of the Commission except in the immediate vicinity of Warbah Spit, which Coucheron-Aamot ignored.

2. Navigational access

96. Recognizing the importance of navigational access for both parties, the Commission requested the Office of Legal Affairs of the United Nations Secretariat to prepare a statement on navigational access for its consideration, which was subsequently issued as a Commission document.

97. Following consideration of the note prepared by the Office of Legal Affairs, the Commission adopted the following statement:

> "The Commission views navigational access for both States to the various parts of their respective territories bordering the demarcated boundary as of importance for ensuring an equitable character and for promoting stability and peace and security along the border. In this connection, it is the opinion of the Commission that such navigational access is possible for both States through the Khowr Zhobeir, the Khowr Shetana and the Khowr Abd Allah to and from all their own respective waters and territories bordering their boundary. The Commission notes that this right of navigation and access is provided for under the rules of international law as embodied in the 1982 United Nations Convention on the Law of the Sea ratified by both Iraq and Kuwait. Taking into consideration the particular circumstances of this area, it is also the view of the Commission that the right of access implies a non-suspendible right of navigation for both States."

X. PHYSICAL REPRESENTATION OF THE BOUNDARY

A. Physical demarcation of the land boundary

98. Following the establishment of preliminary positions for the pillars demarcating the land boundary, the Commission entered into a contract with the Eastern Asphalt and Mixed Concrete Company (EAMCO) of Bahrain for the manufacture of boundary markers. The pillars were emplaced during the third field session, September-November 1992, by a construction crew contracted from EAMCO and assisted by UNIKOM. The entire operation was under the direction and the supervision of the Commission's survey team.

99. The coordinates for the land boundary are physically demarcated by 106 monuments, approximately 2 kilometres apart, and 28 intermediate markers. The first monument is the existing pillar marking the trijunction point of Iraq, Kuwait and Saudi Arabia. Each boundary monument site consists of a steel-reinforced, silica-mica aggregate concrete boundary pillar, painted yellow and black, 3 metres in height and measuring 45 cm^2 at the top and 90 cm^2 at the base. The pillars are sunk into the ground to an approximate depth of 1.5 metres. A $2m^2$ concrete collar is positioned over them flush with the ground. At each location one witness mark on the Iraqi side and one witness mark on the Kuwaiti side

are buried in the ground to facilitate repositioning of the pillar should it become necessary. Small pointer pillars on either side provide a direction towards the site of the next pillar.

100. Before and after the pillars were emplaced, their positions were inspected and checked at each site. During this exercise it was found that intervisibility between pillars was not possible at every location, either because of the terrain or because of structures along the sight-lines. Where the terrain interfered with intervisibility, intermediate pillars were emplaced during the final field session, in April 1993.

B. Physical demarcation of the Khowr Zhobeir and the Khowr Abd Allah

101. The boundary line in the Khowr Zhobeir was not physically demarcated. Instead it was demarcated by geographic coordinates determined photogrammetrically using false-colour infrared photography. During the final field session, a modified pointer pillar was placed on line between pillar No. 106 and the low-water-springs line. Plaques were emplaced on the jetties where the low-water-springs line continued beneath them. An offset mark was emplaced at the southern end of the stone-faced embankment, south of the southernmost jetty. Two pointer poles, which uniquely define the direction between the last point on the low-water-springs line and the junction of the Khowrs, were also emplaced and three witness marks were established close by.

102. Physical demarcation of the Khowr Abd Allah was deemed impractical and not necessary. The boundary line in the Khowr Abd Allah is demarcated by fixed coordinates, ascertained in accordance with the standards followed in general international practice.

C. Recommendations for boundary maintenance

103. With a view to providing for arrangements for maintenance of the physical representation of the boundary, in accordance with the report of the Secretary-General (S/22558, para. 4), the Commission invites the Secretary-General to request the survey organizations that were associated with the Commission or, if not available, similar organizations to provide the following services:

(a) To inspect the pillars and markers of the Iraq-Kuwait boundary on an annual basis;

(b) To report to him after each inspection;

(c) To take appropriate measures for repositioning, repairing or replacing those pillars and markers, as necessary;

(d) To monitor the adequacy of and to emplace any additional boundary markers such as buoys, pilings or other markers, as may be deemed useful.

The Commission considers that, to facilitate future maintenance work, the existence of a cleared road giving access to the pillars is of great importance. It therefore recommends that the Secretary-General should make the necessary arrangements for such a road to be created.

104. The costs incurred for these services should be shared by the two parties concerned.

105. In the opinion of the Commission, such arrangements should remain in force until other technical arrangements are established between Iraq and Kuwait for the purposes of maintaining the surficial representation of their common boundary.

XI. DOCUMENTATION OF DEMARCATION

106. As stated in the Commission's terms of reference (S/22558), the geographic coordinates established by the Commission will constitute the final demarcation of the international boundary between Iraq and Kuwait (see sect. XIII below). (A certified copy of these coordinates is submitted to the Secretary-General, together with the present report.)

107. Documentation of the demarcated boundary also includes a customary set of record sheets of the survey stations and a set of record sheets of each of the boundary pillars.

108. The coverage and layout of the original orthophoto maps of the Commission at the scale of 1:25,000 have been extended and revised and the demarcated boundary plotted on them. Eighteen sheets cover the entire length of that boundary. In addition, orthophoto maps at the scale of 1:2,500 provide further positional information on the boundary in the Rumailah/Ratqa area and the settled areas at Safwan and Umm Qasr.

109. Attached as an enclosure to the present report is a map at the scale of 1:250,000, which provides an overview of the entire length of the boundary.

110. Authenticated copies of all demarcation documentation are to be deposited with the Secretary-General.

XII. CONCLUSION

111. The United Nations Iraq-Kuwait Boundary Demarcation Commission demarcated in geographic coordinates of latitude and longitude the international boundary set out in the Agreed Minutes between Kuwait and Iraq and made arrangements for the physical

representation of the boundary. This latter task included the emplacement of an appropriate number and type of boundary pillars or monuments and provision for arrangements for continuing maintenance and locational accuracy of the surficial boundary representation. The Commission has carried out this mandate, and only this mandate.

112. As noted by the Security Council in its resolution 773 (1992) and by the Commission itself, the Commission has not reallocated territory between Kuwait and Iraq, but has simply carried out the technical task necessary to demarcate for the first time the precise coordinates of the international boundary reaffirmed in the 1963 Agreed Minutes. To this end, the coordinates established by the Commission, as reproduced in section XIII below, constitute the final demarcation of the international boundary between Iraq and Kuwait.

113. The Commission has also made arrangements for the physical representation of the boundary. It has erected 106 boundary pillars and 28 intermediate boundary markers on the international land boundary. It has demarcated by coordinates a fixed boundary along the low-water line in the Khowr Zhobeir. It has also demarcated the international boundary in the Khowr Abd Allah section by fixed coordinates, following general international practice. It has further recommended a mechanism for ongoing maintenance, which would ensure maintenance of the pillars and markers of the international boundary and would provide some future flexibility for the emplacement of additional markers. Under the Commission's recommendation, this mechanism for continuing maintenance would remain in force until other technical arrangements are made between Iraq and Kuwait for the purposes of maintaining the surficial representation of their common boundary.

114. The Commission has made extensive efforts to obtain all the appropriate material available for this demarcation and has given every opportunity to both parties to submit any appropriate materials and to present their views fully. It is hoped that its work will, in the words of the Secretary-General, in his report of 2 May 1991 (S/22558), "promote stability and peace and security along the border".

XIII. LIST OF COORDINATES DEMARCATING THE INTERNATIONAL BOUNDARY

115. The following is a list of geographic coordinates for 162 boundary points determined by the United Nations Iraq-Kuwait Boundary Demarcation Commission to demarcate the international boundary between the Republic of Iraq and the State of Kuwait in accordance with the Agreed Minutes of 4 October 1963.

116. Where necessary for the sake of intervisibility, additional intermediate markers have also been established.

117. The coordinates are divided into five sections, each representing a different segment of the boundary.

118. The reference system of the coordinates is the Iraq-Kuwait Boundary Datum 1992 (IKBD-92). The ellipsoid associated with the definition of IKBD-92 is the World Geodetic System 1984 (WGS 84) ellipsoid defined by:

Semi major axis : 6378137.000 metres
Flattening : 1/298.257223563

A. Boundary coordinates in the Wadi Al Batin

119. The boundary in the Wadi Al Batin from pillar No. 1 to pillar No. 72 is a series of straight lines between boundary pillars conforming to the thalweg of the Wadi. Pillar No. 1 on the Iraq-Kuwait boundary is the existing pillar No. 1 on the boundary between Iraq and Saudi Arabia. Pillar No. 72 is located on the intersection of the thalweg of Wadi Al Batin and the line of latitude of the point south of Safwan.

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
1	N 29° 06′ 04.2128″	E 46° 33′ 10.9431″	trijunction pillar
2	N 29° 06′ 10.6747″	E 46° 33′ 25.5664″	pillar
3	N 29° 07′ 10.6940″	E 46° 34′ 00.8825″	pillar
4	N 29° 08′ 00.3923″	E 46° 34′ 47.9228″	pillar
5	N 29° 08′ 48.6806″	E 46° 35′ 39.1756″	pillar
6	N 29° 09′ 32.2099″	E 46° 36′ 33.5084″	pillar
7	N 29° 10′ 07.6002″	E 46° 37′ 39.6466″	pillar
8	N 29° 10′ 52.0411″	E 46° 38′ 32.9901″	pillar
9	N 29° 11′ 37.6791″	E 46° 39′ 26.1431″	pillar
10	N 29° 12′ 26.1698″	E 46° 40′ 15.8391″	pillar
11	N 29° 13′ 18.1397″	E 46° 41′ 01.1813″	pillar
12	N 29° 14′ 04.3933″	E 46° 41′ 34.9432″	pillar
13	N 29° 15′ 02.3669″	E 46° 42′ 11.4675″	pillar
14	N 29° 15′ 53.3557″	E 46° 42′ 58.0267″	pillar
15	N 29° 16′ 46.3911″	E 46° 43′ 39.2978″	pillar
16	N 29° 17′ 37.9173″	E 46° 44′ 26.2600″	pillar
17	N 29° 18′ 27.7745″	E 46° 45′ 13.9179″	pillar
18	N 29° 19′ 18.7152″	E 46° 46′ 00.4511″	pillar
19	N 29° 20′ 17.8310″	E 46° 46′ 32.6872″	pillar
20	N 29° 21′ 19.3027″	E 46° 47′ 03.3099″	pillar
21	N 29° 22′ 08.0505″	E 46° 47′ 52.2213″	pillar
22	N 29° 22′ 50.5997″	E 46° 48′ 52.5327″	pillar
23	N 29° 23′ 44.9223″	E 46° 49′ 34.5663″	pillar

24	N 29° 24′ 34.5568″	E 46° 50′ 21.4483″	pillar
25	N 29° 25′ 24.2107″	E 46° 51′ 09.2409″	pillar
26	N 29° 26′ 13.8315″	E 46° 51′ 59.1625″	pillar
27	N 29° 27′ 18.7699″	E 46° 52′ 35.6475″	pillar
28	N 29° 28′ 25.3036″	E 46° 53′ 04.6798″	pillar
29	N 29° 29′ 25.4178″	E 46° 53′ 32.9392″	pillar
30	N 29° 30′ 22.9330″	E 46° 54′ 09.9808″	pillar
31	N 29° 31′ 29.9866″	E 46° 54′ 16.1735″	pillar
32	N 29° 32′ 21.9653″	E 46° 55′ 07.3294″	pillar
33	N 29° 33′ 20.8033″	E 46° 55′ 37.7202″	pillar
34	N 29° 34′ 15.5616″	E 46° 56′ 20.5211″	pillar
35	N 29° 35′ 16.4170″	E 46° 56′ 48.3296″	pillar
36	N 29° 36′ 14.6575″	E 46° 57′ 16.8024″	pillar
37	N 29° 37′ 05.4477″	E 46° 58′ 12.4297″	pillar
38	N 29° 38′ 06.5060″	E 46° 58′ 38.8663″	pillar
39	N 29° 38′ 58.0957″	E 46° 59′ 19.3217″	pillar
40	N 29° 39′ 48.4222″	E 46° 59′ 53.1945″	pillar
41	N 29° 41′ 00.3660″	E 47° 00′ 12.2819″	pillar
42	N 29° 42′ 13.0994″	E 47° 00′ 15.7699″	pillar
43	N 29° 43′ 19.5829″	E 47° 00′ 24.5714″	pillar
44	N 29° 44′ 18.1467″	E 47° 01′ 02.8779″	pillar
45	N 29° 45′ 08.5000″	E 47° 01′ 53.0614″	pillar
46	N 29° 46′ 10.2530″	E 47° 02′ 17.7614″	pillar
47	N 29° 47′ 06.6325″	E 47° 02′ 53.8648″	pillar
48	N 29° 48′ 09.2729″	E 47° 03′ 15.4290″	pillar
48a	N 29° 48′ 25.8955″	E 47° 03′ 23.7764″	intermediate marker
49	N 29° 49′ 08.8932″	E 47° 03′ 45.3724″	pillar
49a	N 29° 49′ 50.7268″	E 47° 04′ 09.6471″	intermediate marker
50	N 29° 50′ 06.8587″	E 47° 04′ 19.0096″	pillar
50a	N 29° 50′ 17.5805″	E 47° 04′ 25.4063″	intermediate marker
51	N 29° 51′ 05.0040″	E 47° 04′ 53.7046″	pillar
52	N 29° 52′ 06.7624″	E 47° 05′ 19.3202″	pillar
53	N 29° 53′ 08.9919″	E 47° 05′ 41.6386″	pillar
54	N 29° 54′ 11.0843″	E 47° 06′ 02.6154″	pillar
55	N 29° 55′ 17.0251″	E 47° 06′ 16.3831″	pillar
56	N 29° 56′ 15.6444″	E 47° 06′ 46.8197″	pillar
57	N 29° 57′ 11.7890″	E 47° 07′ 25.4123″	pillar
58	N 29° 58′ 15.1655″	E 47° 07′ 46.6825″	pillar
59	N 29° 59′ 12.5391″	E 47° 08′ 21.9329″	pillar
60	N 30° 00′ 00.9556″	E 47° 09′ 20.2023″	pillar
60a	N 30° 00′ 14.2007″	E 47° 09′ 33.2812″	intermediate marker

61	N 30° 01′ 02.8841″	E 47° 10′ 21.3655″	pillar
62	N 30° 01′ 42.1161″	E 47° 11′ 22.4627″	pillar
63	N 30° 02′ 10.1485″	E 47° 12′ 29.9656″	pillar
64	N 30° 02′ 35.6610″	E 47° 13′ 38.0981″	pillar
64a	N 30° 02′ 48.2354″	E 47° 14′ 26.0720″	intermediate marker
65	N 30° 02′ 54.8419″	E 47° 14′ 51.2858″	pillar
66	N 30° 03′ 07.2870″	E 47° 16′ 06.4092″	pillar
66a	N 30° 03′ 14.7752″	E 47° 16′ 27.8149″	intermediate marker
67	N 30° 03′ 31.3604″	E 47° 17′ 15.2386″	pillar
68	N 30° 04′ 07.3734″	E 47° 18′ 18.7972″	pillar
69	N 30° 04′ 47.7218″	E 47° 19′ 18.7703″	pillar
69a	N 30° 05′ 16.1844″	E 47° 20′ 01.9904″	intermediate marker
70	N 30° 05′ 27.9778″	E 47° 20′ 19.9024″	pillar
70a	N 30° 05′ 40.7090″	E 47° 21′ 07.0419″	intermediate marker
71	N 30° 05′ 49.7839″	E 47° 21′ 40.6563″	pillar
71a	N 30° 06′ 05.4691″	E 47° 22′ 04.6786″	intermediate marker
72	N 30° 06′ 13.3181″	E 47° 22′ 16.7010″	pillar (northernmost point in Wadi Al Batin)

B. Boundary coordinates along the line of latitude of the point south of Safwan

120. The boundary continuing from pillar No. 72 to pillar No. 90 lies along the line of latitude of the point south of Safwan.

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
72a	N 30° 06′ 13.3181″	E 47° 22′ 55.4130″	intermediate marker
73	N 30° 06′ 13.3181″	E 47° 23′ 31.5066″	pillar
73a	N 30° 06′ 13.3181″	E 47° 23′ 46.0864″	intermediate marker
74	N 30° 06′ 13.3181″	E 47° 24′ 39.1916″	pillar
74a	N 30° 06′ 13.3181″	E 47° 25′ 27.5703″	intermediate marker
75	N 30° 06′ 13.3181″	E 47° 25′ 54.1252″	pillar
75a	N 30° 06′ 13.3181″	E 47° 26′ 26.1535″	intermediate marker
76	N 30° 06′ 13.3181″	E 47° 27′ 05.6902″	pillar
76a	N 30° 06′ 13.3181″	E 47° 27′ 17.4759″	intermediate marker
77	N 30° 06′ 13.3181″	E 47° 28′ 06.4824″	pillar
77a	N 30° 06′ 13.3181″	E 47° 28′ 46.6507″	intermediate marker

78	N 30° 06′ 13.3181″	E 47° 29′ 09.0860″	pillar
78a	N 30° 06′ 13.3181″	E 47° 29′ 28.6841″	intermediate marker
79	N 30° 06′ 13.3181″	E 47° 30′ 15.8536″	pillar
79a	N 30° 06′ 13.3181″	E 47° 30′ 57.6225″	intermediate marker
80	N 30° 06′ 13.3181″	E 47° 31′ 23.1982″	pillar
80a	N 30° 06′ 13.3181″	E 47° 31′ 56.6823″	intermediate marker
81	N 30° 06′ 13.3181″	E 47° 32′ 26.9061″	pillar
81a	N 30° 06′ 13.3181″	E 47° 33′ 11.3945″	intermediate marker
82	N 30° 06′ 13.3181″	E 47° 33′ 40.8425″	pillar
82a	N 30° 06′ 13.3181″	E 47° 34′ 14.5282″	intermediate marker
83	N 30° 06′ 13.3181″	E 47° 34′ 55.4858″	pillar
83a	N 30° 06′ 13.3181″	E 47° 35′ 43.1244″	intermediate marker
84	N 30° 06′ 13.3181″	E 47° 36′ 10.4403″	pillar
84a	N 30° 06′ 13.3181″	E 47° 36′ 48.9286″	intermediate marker
85	N 30° 06′ 13.3181″	E 47° 37′ 24.6714″	pillar
85a	N 30° 06′ 13.3181″	E 47° 37′ 54.5241″	intermediate marker
86	N 30° 06′ 13.3181″	E 47° 38′ 39.5006″	pillar
86a	N 30° 06′ 13.3181″	E 47° 39′ 04.1408″	intermediate marker
87	N 30° 06′ 13.3181″	E 47° 39′ 53.5651″	pillar
88	N 30° 06′ 13.3181″	E 47° 40′ 45.0226″	pillar
89	N 30° 06′ 13.3181″	E 47° 41′ 47.4709″	pillar
90	N 30° 06′ 13.3181″	E 47° 42′ 27.6429″	pillar (turning point south of Safwan)

C. Boundary coordinates along the geodesic between the point south of Safwan and the point south of Umm Qasr

121. The boundary continuing from pillar No. 90 to pillar No. 106 lies along the line of shortest distance (the geodesic).

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
91	N 30° 06′ 03.3807″	E 47° 42′ 53.5808″	pillar
92	N 30° 05′ 45.0600″	E 47° 43′ 41.3864″	pillar
93	N 30° 05′ 25.0544″	E 47° 44′ 33.5686″	pillar
94	N 30° 05′ 02.2409″	E 47° 45′ 33.0493″	pillar
95	N 30° 04′ 45.0505″	E 47° 46′ 17.8514″	pillar

96	N 30° 04′ 18.2073″	E 47° 47′ 27.7801″	pillar
96a	N 30° 03′ 58.9632″	E 47° 48′ 17.8893″	intermediate marker
97	N 30° 03′ 49.7978″	E 47° 48′ 41.7481″	pillar
98	N 30° 03′ 21.7283″	E 47° 49′ 54.7898″	pillar
99	N 30° 02′ 57.8345″	E 47° 50′ 56.9334″	pillar
100	N 30° 02′ 38.1990″	E 47° 51′ 47.9797″	pillar
101	N 30° 02′ 10.5648″	E 47° 52′ 59.7867″	pillar
102	N 30° 01′ 47.7924″	E 47° 53′ 58.9307″	pillar
103	N 30° 01′ 26.9252″	E 47° 54′ 53.1031″	pillar
104	N 30° 01′ 13.4491″	E 47° 55′ 28.0759″	pillar
104a	N 30° 01′ 01.4808″	E 47° 55′ 59.1276″	intermediate marker
105	N 30° 00′ 55.4621″	E 47° 56′ 14.7405″	pillar
105a	N 30° 00′ 51.0137″	E 47° 56′ 26.2789″	intermediate marker
105b	N 30° 00′ 47.0439″	E 47° 56′ 36.5746″	plaque on road
105c	N 30° 00′ 41.5522″	E 47° 56′ 50.8166″	intermediate marker
105d	N 30° 00′ 38.2514″	E 47° 56′ 59.3757″	plaque on road
106	N 30° 00′ 31.8988″	E 47° 57′ 15.8470″	pillar south of Umm Qasr

D. Boundary coordinates along the low-water line between Umm Qasr and the junction of the Khowrs

122. Continuing from pillar No. 106, the boundary lies along the extension of the geodesic from pillar No. 90 to pillar No. 106. Boundary point No. 107 is at the intersection of this geodesic and the photogrammetric determination of the line of low water. Boundary point No. 134 lies at the point on the low-water line which is closest to the junction of the Khowrs (boundary point No. 135).

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
107	N 30° 00′ 30.6311″	E 47° 57′ 19.1337″	low water point
108	N 30° 00′ 25.5597″	E 47° 57′ 22.1204″	plaque on jetty
109	N 30° 00′ 20.1338″	E 47° 57′ 26.6988″	low water point
110	N 30° 00′ 17.0202″	E 47° 57′ 27.9162″	plaque on jetty
111	N 30° 00′ 07.3546″	E 47° 57′ 38.5615″	low water point
112	N 30° 00′ 04.0223″	E 47° 57′ 43.0972″	low water point

113	N 30° 00′ 02.4886″	E 47° 57′ 45.0878″	low water point
114	N 29° 59′ 59.9883″	E 47° 57′ 50.2931″	low water point
115	N 29° 59′ 54.3048″	E 47° 58′ 00.0921″	low water point
116	N 29° 59′ 51.1851″	E 47° 58′ 07.3891″	low water point
117	N 29° 59′ 48.5075″	E 47° 58′ 15.0012″	low water point
118	N 29° 59′ 45.9004″	E 47° 58′ 23.9522″	low water point
119	N 29° 59′ 44.0034″	E 47° 58′ 34.7048″	low water point
120	N 29° 59′ 42.9652″	E 47° 58′ 41.8016″	low water point
121	N 29° 59′ 40.8118″	E 47° 59′ 01.6401″	low water point
122	N 29° 59′ 39.9809″	E 47° 59′ 05.2917″	low water point
123	N 29° 59′ 38.3873″	E 47° 59′ 15.6241″	low water point
124	N 29° 59′ 37.0503″	E 47° 59′ 26.0722″	low water point
125	N 29° 59′ 35.7797″	E 47° 59′ 28.9642″	low water point
126	N 29° 59′ 33.5772″	E 47° 59′ 37.8413″	low water point
127	N 29° 59′ 30.9373″	E 47° 59′ 51.7876″	low water point
128	N 29° 59′ 30.8353″	E 47° 59′ 55.2387″	low water point
129	N 29° 59′ 29.7002″	E 48° 00′ 04.7347″	low water point
130	N 29° 59′ 27.9211″	E 48° 00′ 23.7886″	low water point
131	N 29° 59′ 27.4473″	E 48° 00′ 31.1501″	low water point
132	N 29° 59′ 27.0442″	E 48° 00′ 33.8539″	low water point
133	N 29° 59′ 25.6931″	E 48° 00′ 37.8351″	low water point
134	N 29° 59′ 23.6762″	E 48° 00′ 42.0794″	low water point
135	N 29° 59′ 37.4841″	E 48° 00′ 53.4169″	junction of the Khowrs

E. Boundary coordinates from the junction of the Khowrs and along the median line of the Khowr Abd Allah

123. The boundary in the Khowr Abd Allah is the generalized median line as identified by the following coordinates. Boundary point No. 136 is located at the point on the generalized median line which lies closest to the junction of the Khowrs (boundary point No. 135).

Geographic coordinates:

Boundary point	Latitude	Longitude	Description
136	N 29° 59′ 47.3389″	E 48° 00′ 52.6840″	median point
137	N 29° 59′ 47.9344″	E 48° 01′ 03.2547″	median point
138	N 29° 59′ 58.1832″	E 48° 01′ 20.7047″	median point

139	N 30° 00′ 26.1002″	E 48° 01′ 50.4004″	median point
140	N 30° 00′ 50.4002″	E 48° 02′ 14.4005″	median point
141	N 30° 01′ 09.0001″	E 48° 02′ 39.0004″	median point
142	N 30° 01′ 18.9000″	E 48° 03′ 00.0002″	median point
143	N 30° 01′ 33.5167″	E 48° 03′ 41.3692″	median point
144	N 30° 01′ 40.3556″	E 48° 04′ 05.2773″	median point
145	N 30° 01′ 45.5265″	E 48° 04′ 34.0137″	median point
146	N 30° 01′ 48.5499″	E 48° 05′ 20.2407″	median point
147	N 30° 01′ 47.7000″	E 48° 05′ 53.7002″	median point
148	N 30° 01′ 42.3674″	E 48° 06′ 31.1234″	median point
149	N 30° 01′ 39.9238″	E 48° 07′ 16.8423″	median point
150	N 30° 01′ 35.6000″	E 48° 08′ 00.9000″	median point
151	N 30° 01′ 32.7610″	E 48° 08′ 47.0644″	median point
152	N 30° 01′ 28.5001″	E 48° 09′ 17.3994″	median point
153	N 30° 01′ 19.5909″	E 48° 09′ 51.7837″	median point
154	N 30° 00′ 52.0000″	E 48° 11′ 04.0000″	median point
155	N 30° 00′ 18.0000″	E 48° 11′ 41.0000″	median point
156	N 29° 59′ 39.0021″	E 48° 12′ 26.3921″	median point
157	N 29° 59′ 04.8481″	E 48° 13′ 41.3329″	median point
158	N 29° 58′ 33.7229″	E 48° 14′ 34.6628″	median point
159	N 29° 57′ 54.1645″	E 48° 15′ 17.7224″	median point
160	N 29° 57′ 17.8346″	E 48° 16′ 30.2549″	median point
161	N 29° 54′ 25.3068″	E 48° 20′ 16.4802″	median point
162	N 29° 51′ 09.6324″	E 48° 24′ 50.8383″	median point (terminus)

Annex

List of documents and reports of the Commission

I. DOCUMENTS

IKBDC/Doc.1	International boundaries - concepts and definitions	
IKBDC/Doc.2	Rules of procedure and working methods	
IKBDC/Doc.3	Discussion paper No. 1	
IKBDC/Doc.4	The point at Safwan	
IKBDC/Doc.4/Rev.1	The point at Safwan	
	Annex I:	The customs post at Safwan
	Annex II:	Summary table of the various distances referred to as the south-west corner of the compound of the customs post
	Annex III:	List of documents
IKBDC/Doc.4/Rev.2	The point at Safwan (see above)	
IKBDC/Doc.5	Work plan for the surveying and mapping programme of the Iraq-Kuwait Boundary Demarcation Commission	
	Annex I:	Orthophoto mapping, proposed sheet layout
	Annex II:	Survey project specifications
	Annex III:	Survey project staging
	Annex IV:	Plan of activity
	Annex V:	Cost estimates
IKBDC/Doc.6	Orthophoto maps of the Iraq-Kuwait border area: 31 sheets of the border area at the scale of 1:25,000, one set of bromide prints, one set of diazo prints; 1	

sheet of the Safwan area at the scale of 1:7,500, one diazo print; 3 sheets of the Umm Qasr area at the scale of 1:7,500, one set of diazo prints.

IKBDC/Doc.7 — Comparative study of the shoreline and the junction of Khowr Zhobeir and Khowr Abd Allah

- Annex I: Comparative study of the shoreline and the junction of Khowr Zhobeir and Khowr Abd Allah
- Annex II: Aerial photographs of the junction of Khowr Zhobeir and Khowr Abd Allah
- Annex III: Nautical charts of the junction of Khowr Zhobeir and Khowr Abd Allah

IKBDC/Doc.8 — Location of the boundary at Safwan

- Annex I: Aerial photographs showing the customs post at Safwan
- Annex II: The customs post at Safwan interpreted from aerial photographs taken in 1945, 1958 and 1991
- Annex III: The old road, film overlay for the Safwan area 1:7,500 map

IKBDC/Doc.9 — Determination of the lowest-point line in the Wadi Al Batin

- Annex I: Cross-sectional profiles of the Wadi Al Batin
- Annex II: Orthophoto maps of the Wadi Al Batin with profile lines, lowest points and 2 metre contour lines

IKBDC/Doc.10 — Proposed work plan for the establishment of three key demarcation points

- Annex I: Plan of activity, stage 2A, boundary demarcation

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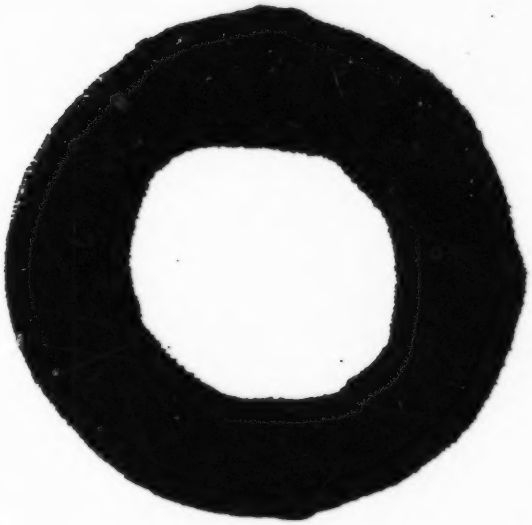
Enclosure

Demarcation of the international boundary between the Republic of Iraq and the State of Kuwait

(Map at the scale of 1:250,000)

[To be issued separately as an addendum.]



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Security Council

Distr.
GENERAL

S/25811/Add.1
24 May 1993

ORIGINAL: ENGLISH

LETTER DATED 21 MAY 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Addendum

Demarcation of the international boundary between the Republic of Iraq and the State of Kuwait

(Map at the scale of 1:250,000)

Note: The toponomy on the map corresponds to the orthography found on most recent maps.

The map issued as part of S/25811/Add.1 is copyrighted and is not included.

UNITED
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Security Council

Distr.
GENERAL

S/25812
21 May 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is submitted to the Security Council in compliance with resolution 791 (1992), by which the Council decided to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) for a further period of six months ending on 31 May 1992 and requested me to report as necessary on all aspects of ONUSAL's operations, at the latest before the expiry of the new mandate period. It follows my reports of 23 November 1992 (S/24833) on the overall implementation of the agreements signed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), and of 23 December 1993 (S/25006), by which I informed the Council that the armed conflict in El Salvador had been brought formally to an end on 15 December 1992. Subsequently, in letters dated 7, 26 and 29 January and 2 April 1993 (S/25078, S/25241, S/25200 and S/25516), I informed the members of the Security Council of developments relating to specific aspects of the implementation of the Peace Accords.

2. ONUSAL continued to carry out the verification and related functions assigned to it under the direction of Mr. Iqbal Riza, my Special Representative, until 6 March 1993. As Mr. Riza assumed new responsibilities at United Nations Headquarters, I appointed Mr. Augusto Ramírez-Ocampo as my Special Representative and Chief of the Mission. Brigadier-General Victor Suanzes Pardo, Chief of the Military Division, served as the Interim Chief of Mission until Mr. Ramírez-Ocampo assumed his post in El Salvador on 14 April 1993.

3. The first phase of the timetable for implementation of the agreement signed in Mexico City on 16 January 1992 (see S/23501, annex) having successfully been brought to a close, the priority assigned to military aspects in the preceding period moved to other provisions of the agreements. These provisions will continue to be binding on both the Government and FMLN until their full implementation.

4. Difficulties arose in January 1993 after both sides failed to comply with some of their commitments. On 6 November 1992, the Government had undertaken to implement fully by 1 January 1993 the recommendations contained in the report of

the Ad Hoc Commission on the purification (depuración) of the armed forces. However, this undertaking was only partially complied with and on 7 January 1993 I informed the Council (see S/25078) that in respect of 15 of the 102 officers mentioned in the report the Government had not taken measures in accordance with the Commission's recommendations and was thus not in compliance with the Peace Accords. As I reported then and in subsequent communications, I repeatedly urged President Cristiani to regularize that situation and to take the necessary action in respect of these officers. Only on 2 April 1993 was I in a position to report to the Council (S/25516) that the Government had made a commitment which, when implemented, would bring it into broad compliance with the recommendations of the Ad Hoc Commission.

5. The question of the purification of the armed forces had not been settled when the Commission on the Truth, which was to investigate the most serious acts of violence committed during the conflict, submitted its report on 15 March 1993 (see section V). Extreme positions were adopted and tension mounted as the High Command of the armed forces, the President of the Supreme Court, highly placed government officials and some political leaders, as well as segments of the media, vehemently and publicly rejected the findings and recommendations of the Commission on the Truth. There was strident criticism of the United Nations and renewed publication of anonymous threats against ONUSAL.

6. A week after the report was published, a general amnesty was approved by simple majority in the Legislative Assembly. I expressed my concern at the haste with which this step had been taken and my view that it would have been preferable if the amnesty had been promulgated after creating a broad degree of national consensus in its favour. The amnesty was criticized by sectors of the opposition and by FMLN for the same reasons as well as for certain specific provisions it contained. The Government countered that the political parties represented in the Legislative Assembly had agreed to a possible amnesty in a document signed hours before the approval, on 23 January 1992, of the law on national reconciliation, under which FMLN members were able to re-enter El Salvador legally - though this document was cast in very broad terms and did not specify when the amnesty should be enacted.

7. For its part FMLN, after starting the destruction of the arms it had concentrated in designated locations under ONUSAL's supervision, slowed this process which, by the end of December, had come to a virtual standstill. FMLN conditioned the resumption of destruction on the outcome of discussions which it was holding directly with the Government on a number of undertakings relating to the implementation of the Peace Accords, on which agreements were finally reached on 4 February. FMLN thereupon resumed destruction of its weapons in the designated zones and the process concluded on 11 February. On 29 January I had reported to the Council on this delay (S/25200). Destruction of FMLN weapons located outside El Salvador and of other categories of weapons was carried out subsequently (see para. 15).

8. Despite these complications, implementation of several key commitments under the Accords has continued to progress: the programme for the transfer of lands, although proceeding at a slow pace and with serious financial difficulties, is now well under way; deployment of the National Civil Police (PNC) started after the first classes graduated from the National Academy for Public Security in February 1993. Further, at the Government's request, ONUSAL

has taken on the additional task of providing professional assistance to the National Civil Police. Given the considerable delays in these areas, an extraordinary effort will have to be made to ensure substantial advances before the general elections of March 1994. As was evident during the last World Bank Consultative Group meeting in April this year (see section X), the main constraint in this regard has been the preference of the donor community to finance infrastructural and environmental programmes rather than the above-mentioned peace-related programmes, crucial though they are to the successful implementation of the Accords.

9. Important progress in the implementation of other key commitments has also been made since my last report. For example, the restoration of public administration in the former zones of conflict, in particular the return of mayors and judges who had to leave their jurisdictions during the conflict, was a major achievement (see section VIII). The enactment of legislative reforms on the judiciary, the electoral system and other vital issues of the peace process was also important. In the area of human rights, the National Counsel for the Defence of Human Rights (Ombudsman) (Procuraduría Nacional para la Defensa de los Derechos Humanos) has opened regional offices to discharge his duties more effectively.

10. The National Commission for the Consolidation of Peace (Comisión Nacional para la Consolidación de la Paz) (COPAZ), where the Government, FMLN and political parties are represented, has continued to seek consensus on various draft laws and other measures related to the Peace Accords. Although in disagreement over its mandate at this stage of the peace process, the entities that comprise COPAZ have continued to participate in plenary sessions, albeit at times at a level lower than in the past. Work has likewise proceeded in the various subcommissions of COPAZ. COPAZ has also been discussing implementation of the recommendations of the Commission on the Truth. Progress has been very slow, however, and it has not yet been possible to agree on an overall unified proposal.

11. As I informed the Security Council (see S/25241), on 8 January 1993 the Government officially requested the United Nations to observe the general elections scheduled for March 1994, which should mark the culmination of the peace process. Since March, attention has increasingly been focused on these elections as, in the prevailing atmosphere of freedom of expression and respect for political rights, the political parties have engaged in a lively public debate over issues, candidates and alliances. Some parties have already selected their presidential candidates. A United Nations technical mission visited El Salvador in April in order to assess requirements, in the expectation that the Council will accede to the Government's request for observation of the elections by the United Nations.

12. It is in this context that the work of ONUSAL during the current mandate period is described below, followed by my observations and recommendations.

II. MILITARY ASPECTS

A. Military Division

13. Since the formal end of the armed conflict, ONUSAL's Military Division, which remains under the command of Brigadier-General Victor Suanzes Pardo until 31 May 1993, has continued to verify the remaining aspects of the cease-fire process, including the destruction of FMLN weapons and the reduction of the Armed Forces of El Salvador (FAES). It also monitors the recovery of military weapons held by private individuals, the introduction of the new armed forces reserve system and relevant aspects of other pending commitments under the armed forces chapter of the Peace Accords. In addition, the Division has contributed to the consolidation of peaceful conditions by its presence throughout the territory, particularly in the former zones of conflict and through the deployment and patrols of its military observer groups. The Division has also facilitated meetings between the teams involved in the Plan for the Prevention of Accidents from Mines (Plan de Prevención de Accidentes de Minas) and monitors its execution (see para. 22). There will be a continuing need for military observers in the field, should the Council decide to renew ONUSAL's mandate.

14. In May 1993, the Military Division had a strength of 74 military observers from Brazil, Canada, Colombia, Ecuador, India, Ireland, Spain, Sweden and Venezuela and 7 medical officers from Argentina. Following the end of the armed conflict and the subsequent reduction in the number of military observers in line with the intention expressed in my report of 23 November 1992 (S/24833, para. 13), the Division was restructured and redeployed in two regional offices in the eastern and western parts of the country. Given the advances in the peace process, the military component of the Mission will be further reorganized and reduced after 31 May 1993. In view of the tasks still to be carried out, it would be my recommendation that the number of observers be reduced to 38, including the 7 medical officers, and headed at the level of colonel.

B. Cessation of the armed conflict

15. Following the formal end of the armed conflict, the Division closed its 15 verification centres, 6 of which were transferred to the Police Division for use by the Auxiliary Transitory Police (see para. 38). That same day saw the final demobilization and incorporation into civilian life of the remaining FMLN ex-combatants, although the destruction of their arms, which at that time stood at 65 per cent of the inventory presented by FMLN, was delayed in some verification centres since FMLN conditioned their destruction on the implementation of complementary commitments undertaken by the Government. Subsequently, the gradual destruction of conventional and sophisticated FMLN weapons, which were concentrated in El Salvador under ONUSAL control, as well as that of weapons deposited outside the country, resumed under ONUSAL's verification. By 11 February, all the arms stored in the FMLN concentration areas had been destroyed and on 1 April the destruction of arms in deposits outside El Salvador was completed. Thus effectively the arms listed in the FMLN inventory presented to ONUSAL have been destroyed, except for a small quantity of individual weapons - about 3.5 per cent of the total - which were reported lost or stolen before their scheduled destruction. ONUSAL now has in its custody a very small number of sophisticated FMLN weapons, the destruction of

which FMLN had scheduled to coincide with full compliance by the Government with the recommendations of the Ad Hoc Commission, due at the end of June. This arrangement has been understood and accepted by the Government. The Military Division is currently investigating the discovery of small caches of weapons presumed to have belonged to FMLN, which have drawn strong protest from the Government.

C. Reduction of the Armed Forces of El Salvador (FAES)

16. Pursuant to the New York Agreement of 25 September 1991 (A/46/502-S/23082, annex), the Government submitted a plan for the reduction of FAES to a size which it judged appropriate to its new doctrine and functions, as established in amendments to the Constitution that were agreed upon in April 1991. This plan provided for a 50.2 per cent reduction of FAES combatants, including demobilization of the five rapid reaction infantry battalions (batallones de infantería de reacción inmediata) (known as BIRIs). The reduction was to begin on 1 February 1992 and was scheduled to end in January 1994.

17. At the end of December 1992, FAES decided to accelerate the process of reduction of the infantry battalions and to complete it ahead of schedule. As a result, the demobilization of 15 battalions which was to have been effected during the whole of 1993 was carried out in January alone. The last BIRI was demobilized on 6 February 1993 and the overall process of reduction of FAES was completed on 31 March 1993.

18. The effective reduction of FAES personnel has been greater than the 50.2 per cent envisaged in the Government's original plan and in fact has reached 54.4 per cent. A further reduction in officers is envisaged, although this is subject to the development of plans for their reincorporation in civilian life.

D. Introduction of the new armed forces reserve system

19. In accordance with the new law governing military service and reserve service adopted on 30 July 1992 (see S/24833, para. 25), 14 departmental recruitment and reserve centres have been established. Of the planned 30 subsidiary offices, only 3 will be set up during 1993, reportedly owing to lack of resources.

E. Recovery of military weapons held by private individuals

20. Under the Peace Accords the recovery of military weapons held by private individuals was to have been finalized by 28 October 1992. In fact, by the time the armed conflict ended on 15 December 1992, this process had barely started. On 22 December, the Government and FMLN established a new deadline of 31 March 1993 for compliance with this commitment, under the verification of ONUSAL. The fact that, two months later, the process remains at a virtual standstill is a source of grave concern.

21. Only 40 per cent of the arms included on the lists provided by FAES have been recovered and the number of weapons that the Division has been able to verify is even smaller. Even more disturbing is the likelihood that the FAES inventory does not include all the weapons that were distributed by FAES during the years of conflict. The Government has given various explanations for the delay in implementation, but these do not lessen the seriousness of non-compliance which engenders a sense of insecurity in the population and may even be a factor in the high level of crime in the country (see para. 44). The assurances given by the Government and FAES that they genuinely wish to move ahead on this subject must be translated into more energetic measures that will permit the full implementation of this part of the Agreement as soon as possible. This will require continuing follow-up on the part of the Military Division of ONUSAL.

F. Coordination of the clearing of minefields

22. After participating in the working group that carried out the marking of minefields (see S/24833, para. 21), the Military Division is now engaged in the coordination of the Plan for the Prevention of Accidents from Mines. Under the Plan, mines and other explosive artifacts found in locations indicated by FMLN under ONUSAL supervision are being destroyed by a civilian company with which FAES members and FMLN ex-combatants are cooperating. Military observers are present in the area during the clearing of the minefields and issue records of proceedings on the artifacts destroyed. The European Community (EC) and countries providing funds for the Plan have expressed the desire that the execution of the programme and resulting expenditures be cleared through ONUSAL, which is considering the practicability of this request.

G. Other matters

23. According to the 22 December 1992 agreement, the Government should have published the new FAES doctrine twice in all newspapers and by way of radio commercials, so that society as a whole might be informed of it. This has not been done and therefore constitutes an unfulfilled commitment.

24. After lengthy discussions in COPAZ, it is expected that a draft law on the regulation of private security services will be submitted soon to the Legislative Assembly for approval.

III. PUBLIC SECURITY MATTERS

A. Police Division

25. The Police Division continues to perform its assigned role of monitoring and assisting the National Police during the period of transition until its replacement by the new police force established by the Accords, the National Civil Police (PNC). Since October of last year, the Division has also been supervising and supporting the Auxiliary Transitory Police (Policía Auxiliar Transitoria) (PAT), which is responsible for maintaining public order and security in the former zones of conflict until its replacement by the new police

force. The Division has assumed additional functions as a result of the deployment of the National Civil Police in 3 of the 14 departments. In response to a request submitted by the Government and in close coordination with the international technical team that provides advice to the Director-General of PNC, the Division is evaluating the performance of the new police force in the field and providing it with technical advice and logistical support.

26. The Division has continued to assist in efforts to locate illegal arms caches and to support the Human Rights Division, to which 18 police observers are seconded. Police observers conduct special inquiries when required and ensure that appropriate security measures are provided for FMLN leaders, as established by the Accords. The Division also provides observers for the admission examinations to the National Public Security Academy.

27. The strength of the Division, which continues to be commanded by General Homero Vaz Bresque (Uruguay), is currently 315 police observers. They are contributed by Austria, Chile, Colombia, France, Guyana, Italy, Mexico, Norway, Spain and Sweden.

B. National Public Security Academy

28. The Academy, which trains the new National Civil Police (PNC), started its activities on 1 September 1992. The first two classes graduated simultaneously on 5 February 1993 and the third on 17 May 1993. Graduates have already joined PNC. Delays in the refurbishment of the premises of the Academy account at least in part for the three-month gap between the graduation of the first two classes and the third one. The Academy has announced that, henceforth, the completion of future courses, each comprised of some 300 graduates, will take place once a month. The Academy currently houses five full basic-level classes (about 1,800 trainees), one executive-level class (78 trainees) and one senior-level class (34 trainees). It has taken steps to train six full basic-level classes simultaneously. Thus, by the end of the year, about 5,500 students are expected to have joined the Academy and approximately 3,000 should have graduated.

29. The Academy has been functioning in temporary premises pending construction of permanent premises on a site which the Government purchased in December 1992. Financing will be needed for such requirements as a laboratory, library and sports and recreational facilities. Further, the Academy has to complete the construction of a firing range and facilities for practical training in police techniques, and to purchase training weapons and ammunition.

30. As I reported to the Security Council last November (S/24833, para. 37), the Academic Council accepted for the senior and executive levels 10 candidates from the National Police to which they had been transferred from the National Guard (Guardia Nacional) and the Treasury Police (Policía de Hacienda) after the signing of the Peace Agreement on 16 January 1992. This was done despite ONUSAL objections that this action contravened the Accords and subsequent undertakings by the Government. After undergoing four months of training abroad, these candidates joined the PNC as provisional commands (mandos provisionales). ONUSAL has held several discussions with the Government on this subject and has recommended that the admission of these officers be deemed exceptional so that

it will not create a precedent. In order to eliminate such problems in the future, ONUSAL has recommended that a specially designed test be prepared for candidates from the National Police and for FMLN ex-combatants for the next admission examinations for the executive and senior levels.

31. The Academy has continued to receive the support of an international technical team of experts from Spain and the United States of America which provides the Director and the Academic Council with advice on aspects such as the recruitment and selection process, curricula, finances and the disciplinary regime of the Academy. Instructors from Chile, Norway, Spain and the United States of America are fully involved in training activities. Currently, the Academy has a total of 33 international experts and instructors.

32. Since January 1993, the effective monitoring of the functioning of the Academy has been strengthened by the presence of an ONUSAL observer in the Academic Council. The Mission has also continued to monitor the admission examinations and to recommend improvements where necessary. ONUSAL is also providing support to the Academy to strengthen its training courses on human rights.

33. As the Security Council is aware, I have appealed to the international community for financial support for the Academy, which has a crucial role to play in preparing the personnel for the new police force, a key component of the Peace Accords. Although valuable, the support received so far remains insufficient and a major effort by donor Governments is required. At the same time, however, it is incumbent on the Government of El Salvador to marshal its own resources and give the Academy the necessary budgetary priority to place it on a solid footing for attracting external assistance.

C. National Civil Police

34. The territorial deployment of the National Civil Police (PNC) started in March 1993 with the establishment of 18 police stations in one department. It has now reached a total of 34 stations, in 3 departments. The Government is committed to effecting monthly deployments this year in seven more departments, leaving deployments in the remaining four for 1994. It is also committed to organizing and deploying this year most of the functional divisions of the PNC. This will require additional international support, mostly in training and equipment. According to the Government's timetable, the PNC could be fully deployed and functional by September 1994. By then, the National Police should have been entirely phased out and replaced by the new police force.

35. The Government and FMLN agreed on 22 December 1992 that the personnel and equipment of the Criminal Investigation Commission (Comisión de Investigación de Hechos Delictivos) and the Special Anti-narcotics Unit (Unidad Especial Antinarcotráfico) would be gradually transferred to the Criminal Investigation Division (División de Investigación Criminal) and the Anti-narcotics Division (División Antinarcotráfica) of the PNC, respectively. The Director-General of the PNC, under the supervision of ONUSAL, will evaluate the professional competence and the capacity to function in the new police force of the personnel of these bodies, who will also have to undergo a special training course in the

Academy on the new police doctrine. The planned transfer has not yet taken place.

36. The Director-General of the PNC receives advice from a technical team from the United States on the organization and territorial and functional deployment of the PNC. ONUSAL, in coordination with the team when necessary, provides the new police force with technical advice and logistical support and evaluates its performance in the field. The evaluations are transmitted to the PNC and to the Academy. It has become evident that the PNC requires additional international support in the form of specialized equipment and training expertise.

37. In order to ensure that the PNC assumes the role assigned to it in the Peace Agreement, the Director-General should continue to work closely with the COPAZ subcommittee for the PNC, which serves as his advisory body in the adoption of relevant decisions or measures concerning the new police force, including those not expressly addressed in the Accords. The subcommittee should also continue its overall supervision of the establishment of the PNC until it has fully replaced the National Police.

D. Special regime

38. The Auxiliary Transitory Police (PAT) started its activities in early October 1992 and was deployed in 20 posts in 9 departments by the end of February. The deployment of PNC in three departments has resulted in the closure of nine of these posts. The remaining 11 will be phased out gradually as PNC continues its territorial deployment. PAT may be phased out completely if the recommendation by the Academic Council of the National Public Security Academy to replace it with PNC contingents is accepted by the Director-General of PNC.

39. The Director-General of PNC also has command of PAT. Each of its contingents is under the constant supervision and guidance of ONUSAL police observers, who also provide daily academic instruction. The Police Division provides PAT with logistical support.

E. National Police

40. The Peace Agreement stipulated that the National Police should be responsible for public order and security during the transition period until its complete replacement by PNC. Although such replacement has already taken place in 3 out of 14 departments, the reduction of the National Police has not yet begun. Rather, as I reported to the Security Council in May (S/23999, para. 30) and November 1992 (S/24833, para. 43), the National Police has been strengthened with personnel from the two former public security forces, the National Guard and the Treasury Police, and with self-contained units from one of the demobilized rapid reaction infantry battalions. The Government defends these transfers on the grounds that they are not expressly prohibited by the accords and that the rise in common crime requires it to strengthen the National Police. However, it is ONUSAL's view, which it has communicated to the Government, that such transfers are incompatible with the thrust of the accords and contravene

their spirit, particularly when considered in the light of the slowness, in the early phases, in launching preparations for the Academy and PNC.

41. This situation results in a contradiction. The National Police was meant to be phased out gradually as the National Civil Police was deployed. Instead, it has increased significantly, not only as a result of these transfers, but also through the monthly graduation of some 60 to 100 police officers from the National Police training school which, ONUSAL recently found out, continues to operate. ONUSAL has been informed by the Government that the members of the National Police already replaced by PNC will be redeployed to areas of the country with higher crime rates. While the Agreement did not expressly establish that the reduction of the National Police should be synchronized with the deployment of PNC, it did state very clearly that the new police force should replace the old one. For this reason, it is necessary that, at a minimum, the Government respond to ONUSAL's request for its plan for the reduction of the National Police and, in that connection, that it inform ONUSAL of its plans for the closing of the National Police training school. The Government should also inform the Mission about its plans to dissolve certain police structures, mainly the Batallón Fiscal (the former Customs Police), whose continued existence is evidently incompatible with that of the Finance Division of the National Civil Police.

42. Resources are available for the integration into civilian life of those members of the National Police who will be phased out as the force is reduced. Such personnel will have access to the various reintegration programmes for ex-combatants of both sides. This will help them to adjust to their new circumstances.

43. One of the avenues open to members of the National Police is that of joining PNC through the Academy. On 17 June 1992, the Government and FMLN agreed that up to 20 per cent of the vacancies could be filled by serving National Police and FMLN ex-combatants, in order to maintain a balance between candidates from both sources. It was envisaged that these candidates would be carefully screened. However, during the last admission examination, ONUSAL ascertained that a large number of National Police candidates had left that force four to six years ago, in many cases after being dismissed for disciplinary reasons, and had only rejoined after the Peace Agreement was signed. This is clearly not what was intended in the Peace Agreement and is especially disturbing when linked to the apparent reinforcement, rather than reduction, of the National Police.

F. Problems of common crime

44. In February 1993 the Government, responding to growing public concern, outlined a programme for combating common crime. Although the figures at ONUSAL's disposal do not indicate a dramatic increase in common crime since the Peace Agreement was signed, it is indisputable that the rate is very high and that the end of the armed conflict may have contributed to its being brought to the public's attention. Indeed, common crime is the single most important matter of concern in El Salvador, according to a recent opinion poll. In this light, the Government's programme is seen as a timely one. A further positive

aspect is that the programme limits the participation of the armed forces to the provision of logistical support to the police forces.

IV. HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE

45. As pointed out in the sixth report of the Director of the ONUSAL Human Rights Division (S/25521, annex), a factual analysis of respect for human rights in El Salvador reveals a gradual improvement, particularly when compared with that prevailing before the signing of the peace accords. Evidence of that improvement is the fact that not a single case of forced disappearance or torture was recorded during the reporting period (June 1992-January 1993). However, serious violations still persist with regard to the right to life, personal integrity and liberty. The gravity of these violations is underscored by their frequency and gruesome nature. They take place against a background of public insecurity generated by common crime and a high murder rate.

46. The active verification carried out by the Human Rights Division is directed not only at an objective recording of facts, but also at the exercise of good offices aimed at assisting efforts by Salvadorians to find a remedy to violations - some of them systematic - that still persist. In his sixth report, the Director of the Human Rights Division reiterated recommendations made in his previous reports and added 22 new recommendations. ONUSAL and the Government of El Salvador are currently discussing the modalities for full implementation of those recommendations which have not yet been implemented.

47. In carrying out its tasks, the Division cooperates with Salvadorian institutions to strengthen their ability to work in promoting human rights. ONUSAL is thus actively supporting the National Counsel for the Defence of Human Rights in his effort to improve his Office's investigative capacity and to establish regional offices in order to cover the needs of the entire Salvadorian population. In addition, the Division seeks to strengthen its relations with human rights non-governmental organizations that have been working for years under difficult conditions.

48. In the immediate future, in the context of the forthcoming electoral process, the promotion of human rights will require a greater effort from the State and society at large. Full observance of civil and political rights will require the consolidation of the rule of law, one of the ultimate objectives of the Peace Accords.

V. REPORT OF THE COMMISSION ON THE TRUTH

49. The Commission on the Truth was established in accordance with the Mexico Agreements of 27 April 1991 (S/23130, pp. 5 and 16-18). It was entrusted with the task of investigating serious acts of violence that had occurred since 1980 and whose impact on society was deemed to require an urgent public knowledge of the truth. The Commission was composed of three international personalities appointed by the Secretary-General after consultation with the parties: Belisario Betancur, former President of Colombia; Reinaldo Figueredo Planchart, former Foreign Minister of Venezuela; and Thomas Buergenthal, former President of the Inter-American Court of Human Rights and of the Inter-American Institute

for Human Rights. Within six months of starting its work, the Commission was to transmit a final report with its conclusions and recommendations to the parties and to the Secretary-General, who would make it public and would take the decisions and initiatives that he deemed appropriate. The parties undertook to carry out the Commission's recommendations.

50. The handing over of the report, a document of over 200 pages plus annexes of several hundred pages, was originally due in January but, with the parties' agreement, was postponed until 15 March 1993. The report is currently being translated into the official languages and it is hoped that it will be available for circulation as a document of the Security Council in early June.

51. The Commission received over 22,000 complaints of serious acts of violence which had occurred between January 1980 and July 1991. More than 60 per cent of the complaints referred to extra-judicial executions and more than 25 per cent to forced disappearances; more than 20 per cent included complaints of torture. The Commission's report describes about 30 cases which it deemed to fall into the category of serious acts of violence, as described in paragraph 49 above, and which were chosen to illustrate the different patterns of violence. These are classified as violence by agents of the State; massacres of peasants by the Armed Forces; assassinations by death squads; violence by the FMLN; and assassinations of judges.

52. The Commission listed its recommendations under four headings:

I. Recommendations arising directly from the results of the Commission's investigations: these relate to persons found to have been involved in the cases investigated and to certain aspects of the judicial system in El Salvador;

II. Eradication of structural causes directly connected with the incidents investigated: these recommendations include full implementation of the Peace Accords; reforms in the Armed Forces and in the arrangements for public security; and the investigation of illegal groups;

III. Institutional reforms to prevent the repetition of such events: these recommendations relate to the administration of justice; the protection of human rights (including the immediate implementation of some 19 recommendations already made by ONUSAL's Human Rights Division); and the new National Civil Police;

IV. Measures for national reconciliation.

53. The Commission's recommendations require a wide range of administrative, legislative and constitutional measures, as well as certain actions by individuals. Action is required not only from the Government and FMLN but also, in particular, from the Legislative Assembly which will have to adopt new laws or revise existing ones, as well as approving and ratifying the necessary constitutional amendments (requiring majority in one legislature and ratification by a two-thirds vote in the subsequent legislature) in order to implement the recommendations. The Government and COPAZ will have an important role in promoting the necessary legislation. The time-frame for implementation varies from recommendation to recommendation.

54. Shortly after receipt of the Commission's report, President Cristiani said, in a public statement and in a letter addressed to me, that he was willing to comply strictly with those of the Commission's recommendations which fell within his competence, were consistent with the Constitution, were in harmony with the Peace Accords and contributed to national reconciliation. At the same time, spokesmen of the Government accused the members of the Commission of having exceeded their mandate and in particular of having purported to assume judicial functions. In a letter dated 5 April 1993, Mr. Schafik Handal, the Coordinator-General of the FMLN, stated that, notwithstanding a number of reservations about the Commission's report, the FMLN accepted in their entirety the recommendations it contained. In some cases, however, FMLN implementation of those recommendations was conditioned on the Government's doing likewise.

55. In the light of this reaction, I instructed that a detailed analysis be made of the Commission's recommendations, examining whether any of them was outside the Commission's mandate or incompatible with the Constitution and identifying what action was required by whom and in what time-frame. I will shortly transmit this analysis to President Cristiani, to Mr. Handal as Coordinator-General of the FMLN, and to the current Coordinator of COPAZ. I shall draw their attention to my obligation to verify implementation of the Commission's recommendations and to report thereon at regular intervals to the Security Council, it being my hope to submit the first such report by the end of June. I shall ask President Cristiani, Mr. Handal and the Coordinator of COPAZ to provide me with information, before then, about action which has been taken, or is planned, by the Government, the FMLN and COPAZ, respectively, to implement each of the recommendations for whose implementation the United Nations analysis identifies it as having responsibility. As soon as this action has been taken, I shall circulate the analysis as a document of the Security Council.

VI. ECONOMIC AND SOCIAL MATTERS

A. Transfer of land programme

56. My 13 October 1992 proposal for land transfer (see S/24833, paras. 55-60), by virtue of its acceptance by the two parties soon afterwards, in effect constitutes an addendum to the Peace Agreement. (The proposal is referred to below as the 13 October agreement.) The programme to transfer up to 237,000 mz* of land to a maximum of 47,500 people, including ex-combatants of both sides and landholders (people who had occupied land without title during the conflict years), was divided into three phases. These were determined by the availability of financial and land resources.

57. For the first phase, considered an emergency one, resources were expected to be made available from October 1992 to January 1993 since the Government was providing State lands and USAID was providing financial resources. At the time the agreement was negotiated, it already was anticipated that the implementation

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* 1 mz (manzana) equals 0.7 hectare.

of this phase would take significantly longer, given the numerous logistical problems involved in carrying out such a complex programme. In the first phase 15,400 beneficiaries were to receive 77,000 mz. Priority was to be given to demobilized FMLN combatants by giving them all available land that had not been legally transferred to landholders.

58. The second phase was to start as soon as the European Community (EC) made resources available, which was anticipated for February 1993. This phase was distinct from the first due to the EC requirement for equal benefit for FMLN ex-combatants and former members of the Armed Forces from all the land that had not been legally transferred to current landholders. The second phase was to end when 20,000 mz could be purchased with the EC funds. It was expected to benefit about 4,000 recipients.

59. For the third phase, which is to provide some 28,100 recipients with 140,500 mz, representing 60 per cent of the total, there are at present neither available financial resources nor land. It was roughly estimated that at the average price at which the Lands Bank had transferred comparable land during the previous year, $85 million was needed for this phase.

60. The land transfer programme has progressed, albeit at a slow pace. The transfer of 36 State properties and 196 private properties, totalling an area of approximately 45,000 mz, has been negotiated with resources from the first phase. Once handed over, these properties will benefit 10,000 FMLN ex-combatants and landholders. This represents slightly less than 60 per cent of the area to be handed over during the first phase and covers somewhat more than 60 per cent of the beneficiaries. However, only 13 of the private properties whose transfer has been negotiated thus far, which benefit about 200 persons, have been registered; the remaining 183 are still in one of the various legal stages that precede the issuing of titles. With resources from the second phase, over 600 FAES ex-combatants have already benefited from the handing over and final registration of 11 properties totalling an area of 1,400 mz.

61. Much tension has resulted from the delays, the most serious consequence of which is that many beneficiaries will not be able to begin cultivation this planting season, which began in May. The timely granting of loans for agricultural activities is another problem, since the majority of beneficiaries have not yet received deeds to their properties and there are formal difficulties in granting them credit. Although the Government has agreed to provide credit to landholders who have already negotiated the acquisition of land, it has so far not yet agreed to provide the credit necessary for production this season to about 80 per cent of those who have not yet negotiated such acquisitions. This is a clear departure from the Peace Agreement which establishes not only that landholders shall not be evicted pending agreement on a solution to their land tenure, but that, moreover, they shall be given financial support to increase agricultural production. Furthermore, this implies, inter alia, that greater international food assistance over a more extended time than originally anticipated will be required.

62. Both sides have contributed to the delays. The original contracts for land legalization did not conform to the agreements and had to be changed. The number of landholders is likely to be significantly higher than the ceiling of 25,000 stipulated in the agreement. Not all plots of land identified meet

expectations - in fact some of them have been rejected by FMLN. FMLN, on its part, has experienced a variety of difficulties in submitting the required lists of names and identification numbers of their demobilized recipients. Six months after the programme started, lists have yet to be presented for 97 of the 196 properties negotiated.

63. Another serious problem causing delay has been the slow and complicated procedure for the legal transfer of land under the direction of the Lands Bank (Banco de Tierras). Consisting of 17 stages, the procedure derives from laws which in some cases are 50 years old and requires some very time-consuming steps. The Government has been working with ONUSAL and FMLN, and USAID and EC as donors, to accelerate the procedure.

64. Another source of concern is that to date the Government, despite several requests, has still not provided ONUSAL with information on the process as it relates to FAES, in particular on the negotiations between FAES and the Lands Bank. Consequently, the Mission has neither been able to verify the lists of beneficiaries, nor observe the negotiations related to the buying and selling of properties and the determination of the number of beneficiaries, as it has done in the case of FMLN ex-combatants. ONUSAL has received assurances from the Government that it will provide such information.

65. The issue of greatest concern refers to the relocation of landholders occupying plots of land whose owners do not wish to sell. This practice departs from the letter, and is certainly inconsistent with the intention and the spirit of the 13 October agreement which provides that landholders occupying lands which cannot be purchased will be relocated last. The rationale for this was based on the Peace Agreement, which stipulates that combatants of both sides were to have priority and were to be given land as they demobilized, and that landholders were not to be evicted from the land they presently occupied until a solution could be found to relocate them.

66. For different reasons, both the Government and FMLN have chosen instead to relocate landholders on land whose owners are not willing to sell. Given the financial and land constraints, this is detrimental to other potential beneficiaries. The Government is under pressure from landowners who want to recover their land after so many years of not having access to it. FMLN has been under pressure from those occupying plots of land whose owners do not want to sell, because they cannot produce without access to credit and feel pressured to leave the land. At the same time some FMLN ex-combatants have not been willing to accept State lands offered by the Government in the expectation of getting private land closer to their families who live elsewhere. Thus, for reasons which may be expedient in the short term both sides have accepted a reversal of the sequence and an alteration of the logic of the 13 October agreement by giving priority to the relocation of landholders. This could well compromise the success of a programme which was already quite ambitious in its original conception.

67. The relocation of landholders at this stage, when hardly 22 per cent of the potential beneficiaries have negotiated the purchase of land, will put unnecessary pressure on the land transfer programme and might even cause its failure. If landowners perceive that they can get rid of people occupying their land, they will be less likely to sell or they might demand higher prices

(prices more in keeping with those of unoccupied land). This is likely to create four types of problems: (a) insufficient land for all prospective beneficiaries; (b) an increased need for financial resources to finance the programme; (c) if beneficiaries have to pay very high prices for their land, servicing their debt will become very difficult; and (d) transfer of land to demobilized members of FMLN and the Armed Forces will have to be delayed because of lack of financial resources.

68. Given the prices negotiated to date with private owners ($750 on average and rising, in comparison with the $600 prevailing before the programme started), there will not be enough financial resources available to carry out the first two phases. For the third phase $105 million will be needed rather than the $85 million estimated earlier. The distortion which is occurring in the implementation of the land programme will inevitably have a deleterious effect on efforts to obtain external financial assistance, which are already proving exceedingly difficult, a problem which will be addressed in section X.

69. The credit available has not only been insufficient for the purchase of land but also for housing and crop-raising. A recent study conducted by ECLAC at my request has found that even under the most optimistic assumptions regarding productivity, production costs and market prices, the vast majority of beneficiaries of land transfers who limit land use to grain production could not generate enough income on their plots to cover the basic needs of their families and the servicing of their debt. This means that most beneficiaries of land transfers who do not diversify into more productive crops will have to look for additional income during the fallow months, mostly as wage earners in labour-intensive export crops during the harvest period. Medium-term credit and technical assistance would allow beneficiaries to diversify into more profitable activities.

B. Forum for Economic and Social Consultation

70. On 22 February 1993, a landmark agreement was signed at the Forum by representatives of the Government, business and labour, whereby the right of labour to associate was effectively recognized for the first time. The agreement also established the principle of a tripartite mechanism for agreeing on ways to deal with labour conflicts. On 14 April, the Forum created a commission to facilitate the examination of 29 International Labour Organisation conventions proposed for adoption by the labour sector. Unfortunately, a stalemate has developed on four of the conventions being analysed for subsequent ratification; these relate to the right of labour to organize. This set-back threatens to obstruct work at the Forum, where discussions on the Labour Code are still pending.

C. Reintegration programmes

71. The Peace Agreement established that the main objective of the National Reconstruction Plan would be the development of the former zones of conflict, satisfaction of the most immediate needs of the population hardest hit by the conflict, and the reconstruction of damaged infrastructure. The Reconstruction Plan also provides for the taking of measures to facilitate the reintegration

into civilian life of FMLN ex-combatants and war-disabled. In this context, the programmes set up by the Government for the reintegration of close to 11,000 FMLN ex-combatants in the above two categories are under way, as outlined below.

72. Concerning short-term programmes, the distribution of agricultural tools and basic household goods was completed at the end of April 1993; the agricultural training programme, coordinated by UNDP was completed in mid-April; and the programme for industrial and services training, temporarily suspended pending the allocation of more funds, is likely to continue up to August 1993.

73. As regards other programmes, the Government and FMLN have agreed to an interest rate of 14 per cent, which is below market rates, for micro-business ventures and agricultural activities. Agricultural credit will be granted to all beneficiaries who have completed negotiations for the purchase of land, even if they have not yet received their final deed. Discussions held between the Government and potential donors, with ONUSAL participation, on the funding of fellowships for high-level studies resulted in an agreement to start the programme with available AID funds while pledged resources from Germany are being transferred. The programme for housing is not yet under way.

74. Programmes for the war-disabled have encountered difficulties stemming from the failure of both sides to agree on ways to provide long-term rehabilitation. The urgency of agreeing on and implementing such programmes was highlighted by the tragic events of 20 May in San Salvador. The medical programme suffered a three-month interruption (from February to April) as a result of disagreements between the two sides on the selection of personnel for the running of the programme and of the delay in equipping the hospital. The implementation of the Law on the Fund for the Protection of War Disabled is dependent on the Government's handing over its initial financial contribution on 22 June, to the Board of Directors, which should have been sworn in at the end of April. The European Community is also contributing approximately $46,000 to the project on registration of potential beneficiaries of the Fund. ONUSAL has had no access to the implementation of programmes for the reintegration of FAES ex-combatants nor to information as to the financial compensation established for troops discharged as a result of the Peace Agreement.

75. A programme for the reintegration of former officers and medium-rank commanders of FMLN was agreed on 4 February 1993. It covers a maximum of 600 beneficiaries and provides for training, subsistence allowance, credit for production ventures and housing. UNDP, which is administering the training and technical assistance part of this programme, began its work in April with a view to effecting the final phase of the programme by 14 June.

VII. POLITICAL PARTICIPATION BY FMLN

76. Soon after being granted full legal status as a political party, FMLN ended its former military structure and adopted that of a political organization. A national committee of 15 members - three for each of the five groups - took over the leadership from the former five-member General Command (Comandancia General). A Coordinator General, Mr. Schafik Handal, was appointed with authority to represent FMLN as a political party.

77. FMLN has established a large number of party offices in municipalities throughout El Salvador. It has also held meetings to enrol new members. Local assemblies have been held and departmental conventions are to commence towards the beginning of June. At a national convention scheduled for the end of June, decisions will be taken concerning campaign strategy and tactics for the forthcoming elections, including party alliances and selection of candidates. This consultation process is developing in an atmosphere where freedom of expression is fully respected.

78. Draft legislation on special protection for high-risk personalities, which will provide appropriate security to the leadership of FMLN as well as that of other parties, was unanimously approved in COPAZ but is still awaiting consideration by the Legislative Assembly. The Government has given approval to the import of vehicles by FMLN, but action is still pending on the issuance of the required permits (franquicias).

79. Under the agreement of 22 December 1992, the Government had undertaken to assign to FMLN a series of radio and television frequencies by 15 January 1993. This has been partially implemented with the assignment of four frequencies (three FM and one AM), two of which have been activated. However, FMLN has not been assigned any frequencies for UHF television or short-wave radio broadcasts.

VIII. RESTORATION OF PUBLIC ADMINISTRATION IN THE FORMER ZONES OF CONFLICT

80. An advance of special significance is that public administration has now been fully restored in the former zones of conflict. As the members of the Council will recall, this process took place in two stages. When the Peace Agreement was signed, 68 of the 262 mayors of El Salvador were away from their jurisdictions. Soon after the signing of the Agreement, 24 of them returned to these and were followed soon afterwards by almost the same number of judges. Opposition by local community organizations to the return of the remainder of the mayors and resistance by the latter to negotiating with the former on a framework for their return effectively halted the process. Under arrangements subsequently negotiated by ONUSAL, 42 of the 44 mayors returned to their jurisdictions by mid-February 1993. Similarly, most of the judges have also returned, with the exception of a few who have been unable to do so for lack of adequate premises in which to carry out their functions.

81. By mid-April 1993 all the mayors who had returned had organized public town meetings (cabildos abiertos) for the purpose of identifying projects for the reconstruction of their communities. In addition, these meetings served to elect representatives to municipal reconstruction and development commissions (comisiones de reconstrucción y desarrollo) made up of the mayor and his municipal council and an equal number of members elected by the community. One of the commissions' main functions is to select for financing by the Secretariat for National Reconstruction the most important reconstruction projects from among those put forward by the townspeople. Through this procedure, nearly 400 projects were submitted to the Secretariat for National Reconstruction between 15 October 1992 and 16 April 1993. Funds have been earmarked for this purpose in the National Reconstruction Plan. However, according to information received by ONUSAL, the Secretariat has to date disbursed funds for only a small

number of the projects requested. ONUSAL expects the Government to take urgent steps to accelerate the feasibility studies for these projects and their financing, as delays are creating resentment and frustration among those who have helped to reconcile the communities most divided by the war but are unable to initiate reconstruction for lack of support.

IX. ELECTORAL SYSTEM

82. In December 1992, the Legislative Assembly approved by consensus a new Electoral Code the text of which had required protracted discussions in COPAZ. In a letter addressed to me by President Cristiani on 8 January 1993, the Government of El Salvador formally requested United Nations observation of the elections for the presidency, the Legislative Assembly, mayors and municipal councils, due in March 1994. The process would encompass the period prior to, during and after the elections. On 26 January, I informed the Security Council of the request (S/25241), pointing out that these would be the first elections to be held after the end of the armed conflict and that they would mark the culmination of the peace process. I urged the Security Council to accede to this request.

83. A technical mission visited El Salvador from 18 to 28 April. The purpose of the mission was to define the terms of reference, concept of operations and financial implications of expanding the ONUSAL mandate to include the observation of the electoral process. During its visit, the technical mission held several meetings with the Supreme Electoral Tribunal, COPAZ and the political parties. Its report - the main findings of which are summarized below - is available to the Council upon request.

A. Main findings of the mission

84. Based on prior experience in Nicaragua, Haiti, Angola and Eritrea, United Nations observation requires wide geographical and chronological coverage in order to monitor the conformity of electoral practice to patterns implicit in free and fair elections. This fosters acceptance among all concerned of the legitimacy of the process and its final outcome. In El Salvador, the task will be greatly facilitated by the knowledge and experience that ONUSAL has accumulated since its inception in July 1991.

85. The main areas of concern identified by the technical mission revolve around the serious inadequacies of the existing electoral roll and the difficulties encumbering the timely issue of electoral documents. The foremost deficiencies are:

(a) The large number of names belonging to expatriates or to dead persons; and insufficient controls at the national level to avoid double registration. Although both factors could result in multiple voting, that risk can be minimized through controls made possible by the new equipment available to the Data Processing Centre, and through procedures that effectively prevent any person from voting more than once, such as the use of indelible ink.

(b) Differences between the names included in the electoral rolls and those in the electoral cards, and/or persons with valid electoral cards whose names did not appear in the electoral rolls. These resulted in a considerable number of citizens not being able to exercise their right to vote at the legislative and municipal elections of March 1991.

(c) There is a large number of citizens who are not included in the electoral roster. Although no reliable data are available, it is estimated that about one third of the potential voters are not included in the electoral rolls or do not have a valid electoral card. As electoral registration is voluntary in El Salvador, it would be unrealistic to expect the electoral rolls to provide a full coverage. However, there are clear indications that this large percentage of non-registered voters cannot be attributed to lack of interest, but rather to problems in the registration process. Abundant circumstantial evidence exists that problems in this area are massive. In many cases, potential voters are required to go to the registration centres repeatedly before obtaining their document which, despite the 30-day time-limit established by law, is frequently issued with several months' delay. In some cases, registration is denied because validation cannot be achieved owing to the fact that the electoral authorities have not been able to obtain or process the person's birth certificate.

(d) In order to detect and correct existing mistakes, the Supreme Electoral Tribunal launched a campaign which failed to produce significant results. However, although the campaign was not aimed at increasing registration, the number of requests for registration more than tripled during the campaign. This unexpected result indicates what could be achieved by a massive effort to increase the number of registered voters. Operational adjustments to registration procedures and a well-designed campaign conceived to reduce drastically the number of non-registered citizens are essential pre-conditions for achieving a broad consensus on the legitimacy of the electoral process.

86. One of the daunting problems faced by both the electoral authorities and the observation mission is the scarcity of reliable data. Adequate data on the number of non-registered voters would be available through questions included in the sample (muestra de verificación) used by the census authorities to verify the census data. But it will be necessary to improve the information on the factors restricting registration so that the registration drives organized by the electoral authorities are based on solid grounds. It would also be important to improve the knowledge and understanding of the registration process. This would allow the electoral authorities to improve their case when explaining to the public the reasons for the failure to provide adequate responses to requests for registration. The improved information will also help to avoid a large number of requests in the few weeks before the closing of registration. It will also permit the establishment of a factual starting-point for the observation process.

87. Political parties represented by their Secretaries-General in the inter-party commission (Interpartidaria) have conveyed their concerns about the registration process to the Supreme Electoral Tribunal and urged the establishment and effective functioning of the Board of Vigilance of the

political parties which, in accordance with the Electoral Code, should closely monitor the work of the Tribunal.

B. Terms of reference

88. The electoral component of ONUSAL should observe the electoral process before, during and after the elections in order to:

(a) Verify that measures and decisions taken by all electoral authorities are impartial and consistent with the holding of free and fair elections;

(b) Verify that appropriate steps are taken so that qualified citizens are included in the electoral roster, thus enabling them to exercise their right to vote;

(c) Verify that mechanisms are in place effectively to prevent multiple voting, given the unfeasibility of screening of the electoral roll prior to the elections;

(d) Verify that freedom of expression, organization, movement and assembly are respected without restrictions;

(e) Verify that potential voters have sufficient knowledge of the mechanisms for participating in the election;

(f) Examine, analyse and assess criticisms made, objections raised and attempts undertaken to de-legitimize the electoral process and, when required, convey such information to the Supreme Electoral Tribunal;

(g) Inform the Supreme Electoral Tribunal of complaints received regarding irregularities in electoral advertising or possible interferences with the electoral process; when appropriate, require information on corrective measures taken;

(h) Place observers at every polling site on election day to verify that the right to vote is fully respected;

(i) Assist the Special Representative of the Secretary-General in preparing periodic reports to the Secretary-General, who will in turn inform the Supreme Electoral Tribunal and report to the Security Council as necessary.

89. In carrying out its functions, the Electoral Division, under the overall authority of my Special Representative, will coordinate its activities with those of the Human Rights, Police and Military Divisions in their respective spheres of competence.

C. Concept of operations

90. In order to carry out these duties, I recommend that an Electoral Division be established as part of ONUSAL in five stages, as follows:

1. 1 to 30 June 1993. Preparatory stage, devoted to organization at the central and regional levels;

2. 1 July to 15 December 1993. Main tasks would be verifying citizens' registration and following political activities;

3. 16 December 1993 to 14 March 1994. Efforts should concentrate on observation of the electoral campaign;

4. 15 to 31 March 1994. Observation of the elections, counting of votes and announcement of results;

5. 1 to 30 April. Observation of a possible second round of elections for the presidency. (Should the first round yield a definitive result, the activities of the Division would conclude on 31 March 1994.)

91. The main tasks of the electoral observers would be to monitor electoral irregularities, receive complaints and convey them, as appropriate, to electoral authorities; observe political meetings and demonstrations; follow up and assess electoral advertising and electoral-related reporting in the media. The information thus collected should be the basis for analysing trends and acting upon them as required. These activities should be carried out in close coordination with the Human Rights and Police Divisions.

92. On election day, the number of observers should increase so as to permit monitoring at every polling site. The mission should verify the counting of votes and make projections for its own use and possibly for sharing with the Supreme Electoral Tribunal.

93. The electoral observation would continue after election day to cover all aspects related to the counting of votes and possible challenges to results. The observation would conclude with the official proclamation of final results by the Supreme Electoral Tribunal.

X. ECONOMIC AND FINANCIAL IMPLICATIONS OF IMPLEMENTING THE PEACE ACCORDS: THE NEED TO SUPPORT POST-CONFLICT PEACE-BUILDING

94. National reconciliation and the consolidation of peace in El Salvador demand that the Peace Accords be implemented. While this requires the political will of the parties, financing is also critical to the success of programmes directly related to the Accords whose objective is to consolidate the peace. This applies particularly to programmes for the reintegration of ex-combatants into the economic, social and political life of the country; the creation of new institutions and the modernization of others that are essential for the construction and strengthening of a democratic society; emergency aid to poverty-ridden sectors of the population, especially in the former conflict areas; and the rehabilitation of infrastructure and basic services damaged or interrupted as a result of the conflict.

95. At the same time as El Salvador is consolidating peace on the basis of the Peace Accords, it is carrying out a stabilization and structural reform

programme to improve its productive capacity and the welfare of a large segment of the population which has been severely affected by years of war. Reconciling the two processes is problematical since the financing of the many peace-related programmes has economic and financial implications that often conflict with efforts to stabilize the economy.

96. At the Consultative Group Meeting of donor countries that took place in Paris in April this year, the Government requested financing for priority programmes which are an integral and indispensable component of the framework for peace. These included programmes for the reinsertion of ex-combatants into productive activities and those relating to the strengthening of democratic institutions. The Government also requested financing for poverty alleviation, both in areas covered by the National Reconstruction Plan and in others. Excluding the latter, the financing needed for programmes directly related to the Peace Agreement amounts to close to $1.2 billion. Of this total the Government had already committed over $300 million and the international community less than $300 million and there was a gap of about $600 million that remained to be filled.

97. Because of the urgency of financing these projects, the Government requested quick-disbursing funds which could be channelled directly or through "cofinancing" or "parallel financing" of policy-based loans. In addition to the advantage of quick financing, this would have given the Government flexibility in financing its priority projects. At the request of the parties, I wrote to the foreign ministers of donor countries supporting the Government's request and reaffirming my belief that the success of the programmes to which the Government must attribute high priority and for which financing has been requested is essential to the building and consolidation of peace.

98. The response of the donor community has not yet lived up to expectations. Although pledges were slightly more than the $800 million gap which the Government was trying to finance in the period 1993-1996, donors showed a clear preference for financing specific projects, mostly in infrastructure and the environment. Thus, of the close to $600 million gap for programmes resulting from the Peace Accords, very little external financing is envisioned. For this year alone, $220 million will be needed for the reinsertion of ex-combatants into productive activities (purchase of land, agricultural credit, housing, credit for small enterprises, pensions for the disabled, etc.) and for the promotion of democratic institutions (National Civil Police, National Public Security Academy, human-rights-related activities, the judiciary, and activities related to the coming elections).

99. Implementation of the agreements should not, however, be conditioned on the availability of foreign financing. Should there be a shortfall in this type of financing, as there will probably be, the Government will need to make adjustments in its economic programme. The study by ECLAC (see para. 69 above) found that there seems to be some room for flexibility as regards some of the targets imposed by the stabilization programme. In particular, a less restrictive ceiling on public expenditures and on the use of international monetary reserves could be adopted. At the same time, the Government needs to strengthen its fragile fiscal situation, particularly by discouraging tax evasion and reallocating expenditure, so as to make it more compatible with times of peace. While it is clear that the Government needs to make a further

effort, the support of the international community in this post-conflict peace-building phase is essential.

XI. FINANCIAL ASPECTS

100. By its resolution 47/223 of 16 March 1993, the General Assembly authorized the Secretary-General to enter into commitments for the operation of ONUSAL, subject to the review by the Security Council of the mandate of the Mission, at a rate not to exceed $2.9 million gross ($2.7 million net) per month for the period beyond 31 May 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

101. The cost of maintaining ONUSAL during the extension period, including the strengthening of the Mission to include verification of the general elections, will entail additional expenses. A preliminary cost estimate of the establishment of the electoral component of the Mission will be provided in an addendum to the present report.

102. As of 7 May 1993, unpaid assessed contributions to the ONUCA/ONUSAL special account for the period from inception through 31 May 1993 amounted to $26,762,272.

XII. OBSERVATIONS

103. I am glad to be able to report to the Security Council that, 16 months after the cease-fire took effect, the peace process in El Salvador has advanced significantly and is on course. Among its achievements are full respect by both parties for a prolonged cease-fire, the celebration of the formal end of the armed conflict on 15 December 1992, and the conversion of FMLN from an armed movement into a political party. As a result, two of the major goals of the Peace Accords were achieved.

104. This success has been accompanied by significant progress towards other principal objectives - the establishment of civilian control over the military, the beginnings of the establishment of a civilian police force, the reunification of Salvadorian society and the democratization of national institutions, with full respect for human rights. Both the Government of El Salvador and FMLN have demonstrated will and determination to resolve their country's problems democratically through political means, abandoning armed confrontation and conflict. They deserve recognition for accepting what seemed to both of them at times the risks of ending the armed conflict and allowing the Salvadorian people to decide democratically how they should be governed.

105. As the preceding sections of this report indicate, the path to national reconciliation has not been without difficulties. These have arisen partly from the inevitable polarization and distrust, partly from conflicting interpretations of the Peace Accords, partly from efforts by each side to extract the maximum advantage from implementation of these accords and partly from the inability of administrative structures on both sides to handle the demands of implementing complex agreements which reach into the very heart of

the country's society and economy. Yet the predominating characteristic of the Salvadorian peace process has been its irreversibility.

106. At the same time, problems still exist. Efforts are required to ensure that they do not become obstacles to the continuing fulfilment of the two parties' undertakings. Both sides must intensify their joint efforts, with the support of ONUSAL, to accelerate the lands transfer programme so that the reintegration of former combatants into civilian life is expeditiously effected and a fair solution is found for those who occupied land during the war years. The establishment of a major new national institution, the National Civil Police, which has been bedeviled by delays, uncertainties and departures from the Accords, must also proceed quickly.

107. In the field of law and order, there are two points where special efforts are required from the Government. One is to begin the phasing out of the National Police, to which the Peace Agreement assigned only a transitory role, pending deployment of the National Civil Police. As indicated above, the continued strengthening of the National Police is inconsistent with the Accords and with the role of the National Civil Police as the only police authority in the country. This is a particularly sensitive issue in the context of the forthcoming elections.

108. The second is the recovery of assault weapons, of which large numbers remain in unauthorized hands. This aspect, too, could raise tensions during the electoral process, apart from contributing unnecessarily to the high level of common crime. I call upon the Government of El Salvador to fulfil both of these undertakings. They are major elements of the Peace Accords and their neglect would endanger the country's democratization and stability.

109. I am glad to be able to confirm to the Council that the long-delayed implementation of the recommendations of the Ad Hoc Commission on the purification of the Armed Forces is now on its way to completion, as reported to the Security Council in my letter of 2 April 1993 (S/25516). I wish to express my high appreciation to the members of the Commission, Dr. Abraham Rodriguez, Dr. Eduardo Molina Olivares and Dr. Reynaldo Galindo Pohl for having so conscientiously discharged a difficult duty to their country.

110. The question of implementing the recommendations of the Commission on the Truth has given rise to controversy and remains outstanding. This is another central element of the Peace Accords and is essential to the sometimes painful process of national reconciliation which is so vital to the building of peace. It is critical to the process that the parties should exercise leadership in this regard, in conformity with their commitment under the Peace Accords. As reported above, I am communicating to the Government and FMLN, as well as to COPAZ, which has a central role in this matter, my analysis of the action which has to be taken if I am to be able to confirm to the Security Council that the parties have fulfilled their solemn commitment to carry out the Commission's recommendations. Meanwhile, I wish to express my gratitude to the members of the Commission, Dr. Belisario Betancur, Dr. Reinaldo Figueredo and Prof. Thomas Buergenthal, for their singular devotion to their complex and delicate task.

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111. The Commission on the Truth has drawn attention to flaws which still exist in the judicial system. These inhibited the Commission from recommending that the results of its investigation should be referred to the judiciary. While some reforms have been carried out, the Constitutional and legislative reforms enacted since April 1991 did not fully reflect the agreements reached in Mexico that month. The implementation of the recommendations of the Commission on the Truth in this respect will go a long way to repairing this problem and should be given priority.

112. The elections in 1994 are likely to be the culminating point of the entire peace process. It is only when the Salvadorian people have been able to choose their President, their representatives in the Legislative Assembly and their mayors, through free and fair elections, that peace will have been consolidated in El Salvador. This presupposes an electoral process which enables all qualified Salvadorians to vote and which is free of any intimidation against parties or voters. The Supreme Electoral Tribunal has a heavy responsibility to ensure the registration of all who want to vote, the ability of all parties to campaign freely and the impartial conduct of a fair election. Much remains to be done, especially as regards registration, and the Tribunal will receive full cooperation from ONUSAL should the Security Council approve my recommendation that the Mission be authorized to observe the electoral process.

113. It is to be emphasized, however, that the successful conclusion of this peace process can be achieved only if the necessary financing is forthcoming. As has been made clear in various sections of the present report, two of the programmes - those relating to land and the new police force - do not at present have an adequate basis of financial support. Yet they are central to the Peace Accords and their failure or curtailment could threaten all that has been achieved. This state of affairs requires an urgent response both from the international donor community and from the Government. The Government's request at the Consultative Group Meeting in Paris last month for peace-related projects, which had my full support, did not receive the response which had been hoped, with the result that the problem has become acute. Further appeals for international support will be made. But this situation will have underlined to the Government that the implementation of the Peace Accords cannot depend entirely on external financing; it is the Government's responsibility, both as signatory to the Accords and as the Government of El Salvador, to define fiscal policies and public expenditure priorities which will enable it to fulfil its commitment to full implementation of the Accords.

114. In the light of the considerations and observations presented in this report, I recommend to the Security Council that it renew until 30 November 1993 the mandate of ONUSAL, and that it authorize the addition to it of an Electoral Division to observe the elections. It would be my intention to recommend, by that date, a further renewal of the Mission's mandate to enable it to complete its verification of the elections and to remain in El Salvador for a short transition period immediately thereafter.

115. At a time when all other continents are experiencing savage conflict and massive violation of human rights, the reconciliation and acceptance of pluralism in El Salvador is a remarkable example to the world. I pay tribute to the parties to the Peace Accords, especially to President Cristiani and the FMLN leadership, and to all Salvadorians, for their response to the opportunity now

offered to them to escape from the suffering and losses of long years of war and to rebuild peace in their country.

116. I also wish to express my appreciation to the United Nations agencies in El Salvador and to the non-governmental organizations that have contributed to the peace process, as well as to all the members of ONUSAL for their dedicated efforts, under the direction of my Special Representatives, Mr. Iqbal Riza and, now, Mr. Augusto Ramírez-Ocampo, to restore peace and reconciliation in El Salvador.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25812/Add.1
24 May 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

Addendum

1. As I indicated in the main part of the present report, it is my intention to enlarge the United Nations Observer Mission in El Salvador (ONUSAL) to include an electoral component for the purpose of observing and verifying the Salvadorian general elections scheduled for March 1994 until the proclamation of final results by the Supreme Electoral Tribunal of El Salvador. This is in response, as outlined in the main report, to the request of the Government of El Salvador.

2. In order to permit ONUSAL to carry out these expanded responsibilities it will be necessary to add an Electoral Division which will operate within the framework of the existing regional offices. These offices will require a total of 38 international personnel, including administrative support staff, and 7 local staff.

3. During the polling itself, 900 electoral observers will be required. Of these, it is anticipated that 320 will come from existing personnel of ONUSAL, 330 from the United Nations Development Programme (UNDP), other United Nations agency personnel in El Salvador and volunteers from selected non-governmental organizations and the remaining 250 from the United Nations Secretariat and/or Member States. There will also be additional requirements for premises, transport operations, communication and miscellaneous equipment, supplies and services, and public information programmes.

4. Should the Security Council decide to expand the mandate of ONUSAL as set out in the main part of the present report, it is estimated that the additional cost of the expansion for the 11-month period from 1 June 1993 until 30 April 1994 would be approximately $7 million. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

5. It would be my recommendation to the General Assembly, should the Security Council decide to expand the mandate of ONUSAL, that the additional cost relating thereto should be considered an expense to the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the ONUSAL special account.

Annex

Cost estimates of the expansion of the United Nations Observer Mission in El Salvador (ONUSAL) from 1 June 1993 to 30 April 1994

(Thousands of United States dollars)

1.	Civilian personnel, including travel to the mission area	5 940
2.	Premises, rental and maintenance	50
3.	Vehicle operations	65
4.	Communications	50
5.	Miscellaneous equipment	40
6.	Miscellaneous supplies, services, freight and support costs	525
7.	Public information programmes	350
	TOTAL	7 020